

To: Robinson, Randall[robinson.randall@epa.gov]
Cc: Arra, Sarah[Arra.Sarah@epa.gov]
From: Waqui, Helen (MPCA)
Sent: Wed 3/1/2017 5:30:45 PM
Subject: Xcel Energy- Sherburne Supporting Info
[Supporting info.piz](#)

Please find attached supporting information for the Xcel Energy- Sherburne DRR modeling submittal. This is the last folder associated with the submittal. Please feel free to let me know if you require further information to complete your review.

Thank you and have a great day,

Helen Waqui

Research Scientist/Air Dispersion Modeler

Risk Evaluation & Air Modeling Unit | EAO Division

Minnesota Pollution Control Agency

O: 651-757-2286 | Helen.Waqui@state.mn.us

To: Arra, Sarah[Arra.Sarah@epa.gov]
From: Hengesbach, Stephanie (DEQ)
Sent: Fri 2/24/2017 4:22:32 PM
Subject: RE: My Contact Info
[EPA_Lafarge_Addendum.pdf](#)
[Lafarge_modeling.piz](#)

No problem. Here is the updated information for Lafarge.

The file named .piz is actually a .zip file containing the modeling files. I saw that Randy had me change that when I sent the Escanaba Paper and Lafarge modeling back in January. You'll just need to rename the file to .zip before trying to open it.

Let me know if you have any questions.

Stephanie

Stephanie M. Hengesbach

Meteorologist

Department of Environmental Quality

Air Quality Division

517-284-6746

fax: 517-241-7499

email: hengesbachs1@michigan.gov

From: Arra, Sarah [mailto:Arra.Sarah@epa.gov]
Sent: Friday, February 24, 2017 11:14 AM
To: Hengesbach, Stephanie (DEQ) <HENGESBACHS1@michigan.gov>
Subject: My Contact Info

Thanks for your help! Sorry our mail is slow.

Sarah Arra

Environmental Scientist

Attainment Planning and Maintenance Section

Air and Radiation Division- Region 5

Phone: 312-886-9401

To: Kuskie, Melissa (MPCA)[Melissa.Kuskie@state.mn.us]; Robinson, Randall[robinson.randall@epa.gov]; Persoon, Carolyn[persoon.carolyn@epa.gov]; Summerhays, John[Summerhays.John@epa.gov]; Arra, Sarah[Arra.Sarah@epa.gov]
Cc: Fenske, MaryJean (MPCA)[maryjean.fenske@state.mn.us]
From: Aburano, Douglas
Sent: Mon 9/26/2016 1:43:23 PM
Subject: RE: Data Requirements Rule - Boswell - follow up from yesterday's call

I think we finally have all this nailed down.

Thanks, Melissa for the additional/updated info. We're fine with the approach using the consent decree and the 30-day rolling average.

Thanks again,

Doug

Douglas Aburano
Chief, Attainment Planning and Maintenance Section
U.S. EPA - Region 5
Phone: (312) 353-6960
Fax: (312) 408-2279
e-mail: aburano.douglas@epa.gov

From: Kuskie, Melissa (MPCA) [mailto:Melissa.Kuskie@state.mn.us]
Sent: Friday, September 16, 2016 12:18 PM
To: Aburano, Douglas <aburano.douglas@epa.gov>; Robinson, Randall <robinson.randall@epa.gov>; Persoon, Carolyn <persoon.carolyn@epa.gov>; Summerhays, John <Summerhays.John@epa.gov>; Arra, Sarah <Arra.Sarah@epa.gov>
Cc: Fenske, MaryJean (MPCA) <maryjean.fenske@state.mn.us>
Subject: RE: Data Requirements Rule - Boswell - follow up from yesterday's call

Good afternoon,

Thanks again for the call on Wednesday with the update on progress of our DRR-demonstration for Boswell. We've updated the math (with the correct heat input rates), and have provided a narrative, as requested. If everything looks good, we'll plan to provide a more final-version of the document, along with the modeling report for Boswell and Consent Decree, in our January DRR submittal.

Thanks!

Melissa

From: Kuskie, Melissa (MPCA)

Sent: Friday, September 02, 2016 3:22 PM

To: Aburano, Douglas (aburano.douglas@epa.gov) <aburano.douglas@epa.gov>; Robinson.randall@Epa.gov; Mooney, John (Mooney.John@epa.gov) <Mooney.John@epa.gov>; 'Persoon.carolyn@Epa.gov' <Persoon.carolyn@Epa.gov>

Cc: Kohlasch, Frank (MPCA) <frank.kohlasch@state.mn.us>; Smith, Don A (MPCA) <don.a.smith@state.mn.us>; Roberson, Ruth (MPCA) <ruth.roberson@state.mn.us>; Jackson, Anne M (MPCA) <Anne.Jackson@state.mn.us>; Lenshek, Adriane (MPCA) <adriane.lenshek@state.mn.us>; Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>; Kilgriff, Sarah D (MPCA) <sarah.kilgriff@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Fenske, MaryJean (MPCA) <maryjean.fenske@state.mn.us>

Subject: Data Requirements Rule - Boswell - follow up from yesterday's call

John, Doug, Carolyn and Randy,

Thank you again for yesterday's call – we really appreciate your willingness to work with us on the Boswell Data Requirements Rule pathway. I've listed the questions we had prepared for yesterday's call below – and the answers we received on at least the first two items. Attached is a rough draft of the analysis we discussed, which will help provide a bit more clarity (we hope) on the methodology, and also help you to get a sense of what we're talking about in questions 3 & 4 below. If you are able to provide some guidance in the next week or so, we could get to work on any additional information that may be needed. Please let me know if you have any follow up questions or need any additional information.

Thanks very much,
Melissa

-

Questions for EPA

1. Does EPA agree that the consent decree (CD) is federally enforceable for the purposes of the SO₂ DRR? **Yes – per 9/1/16 phone call between MPCA and EPA**
2. Would EPA accept this demonstration – using their April 2014 SO₂ nonattainment area guidance methodology – that a monthly lb/mmBtu limit is more stringent than a modeled hourly emissions rate? **Yes – per 9/1/16 phone call between MPCA and EPA**
 - o Here's what that would look like:
 - take the modeled lb/hr value (the “critical emissions value” that complies with the NAAQS), and use EPA’s methodology to produce a “comparably stringent” 30-day average limit in lb/hr
 - convert the CD limits (30-day rolling average lb/mmBtu) to 30-day average limits in lb/hr using the heat input rate for the units
 - compare the comparably stringent (modeled) 30-day limits to the CD limits – if the CD limits are equal to or below the modeled limits, we have demonstrated that the federally enforceable CD limits provide for attainment of the NAAQS
3. As a part of such a demonstration we are presuming that it is acceptable to use the adjustment factors EPA provided in Appendix D of its SO₂ nonattainment guidance (the average ratio of 99th percentile 30-day average SO₂ emission value to the 99th percentile of hourly SO₂ emission value) to calculate comparable stringency. If EPA cannot support this approach, we would need to follow the multi-step methodology in Appendix C to determine we would be required to compile emissions data specific to the units to calculate our own unit-specific adjustment factor(s). We would likely have additional questions to accomplish this task, the first one being how many year’s data would we need to evaluate to create such a factor. That said, our current demonstration is quite conservative, and demonstrates protection of the 1 hour standard with a wide margin (see question 4).
4. The modeled emissions rates of stack SV003 includes emissions from 3 units: Units 1, 2, and 3. Units 1 & 2 have a federally enforceable CD limit (and currently, require no SO₂ control device), while unit 3 is much larger and operates dry SO₂ controls with a more stringent, federally enforceable CD limit.
 - o Currently, MPCA is using a very conservative approach, by using the higher CD limit currently applicable to just Units 1 & 2 for all three units (1, 2, and 3) to calculate a 30-day average limit in lb/hr for comparison to the “critical emissions value,” and using an adjustment

factor for the critical emissions value that assumes no control equipment. Is this methodology acceptable?

Melissa Andersen Kuskie

Air Policy Specialist

Minnesota Pollution Control Agency

(651) 757-2512

melissa.kuskie@state.mn.us



Minnesota Pollution Control Agency

To: Roth, John A - DNR[John.Roth@wisconsin.gov]
Cc: Portanova, Mary[portanova.mary@epa.gov]; Arra, Sarah[Arra.Sarah@epa.gov]; Summerhays, John[Summerhays.John@epa.gov]
From: Robinson, Randall
Sent: Fri 8/21/2015 1:39:52 PM
Subject: RE: Columbia Energy Center SO2 Modeling Protocol - August 2015

Hi John,

Thanks for forwarding the Columbia Energy Center SO2 modeling protocol. I agree that the protocol is pretty straight-forward. I only have a couple comments, listed below.

- The protocol discusses use of temperature and flow rate variables representative of maximum and normal heat input conditions. The Modeling Technical Assistance document recommends use of hourly temperature and flow rate data if it is available through the CEM data. If that hourly data is available and useable, I'd recommend incorporating it into the hourly emissions input file. If not, the approach described in the protocol to develop temperatures and velocities associated with maximum and normal input conditions is fine.

- The protocol notes that there are no significant ("greater than 100 tpy") sources within 50km of the source. For clarification, there is not a distinct cutoff of 100 tpy in determining whether a nearby source should be included in the modeling. A small (approx. 60 tpy based on 2011 NEI) source appears to be located about 8 km to the northeast of the Columbia facility. However, I would agree with your determination that no other sources need to be explicitly modeled for this assessment. The small source to the northeast would not likely cause a significant concentration gradient in the area near Columbia Energy Centers impacts of interest and should be adequately represented by the background value.

- The approach to determining the modeled emission rate based on the 30-day average federally enforceable limit looks acceptable. The scaling factor of 6 appears to be quite conservative based on typical 30-day to 1-hr ratios for sources with scrubbers presented in Appendix D of EPA's April 2014 Nonattainment Area Guidance.

Thanks again for forwarding the protocol. Let me know if you have any questions or comments.

Randy

Randy Robinson

Air and Radiation Division

EPA Region 5

312 353-6713

From: Roth, John A - DNR [mailto:John.Roth@wisconsin.gov]
Sent: Monday, August 10, 2015 8:36 AM
To: Robinson, Randall
Cc: Friedlander, Michael - DNR; Good, Gail - DNR; Bizot, David A - DNR
Subject: Columbia Energy Center SO2 Modeling Protocol - August 2015

Randy, attached is a dispersion modeling protocol for analysis of SO2 emissions from the Columbia Energy Center in Wisconsin. This analysis will be in support of the Wisconsin response to the March 20, 2015 notification regarding the July 2, 2016 1-hour SO2 designation round.

Please note that this is a straightforward review, with no unusual technical issues or nearby sources. This protocol follows the provisions within both the Modeling and Source-Oriented Monitoring TADs dated December 2013. Please review and let me know if you have any comments or questions.

Thank You

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

John A. Roth
Dispersion Modeling Team Leader – Air Management
Wisconsin Department of Natural Resources
Phone: (608) 267-0805
john.roth@wisconsin.gov



dnr.wi.gov



To: Hawkins, Andy[hawkins.andy@epa.gov]; Casburn, Tracey[casburn.tracey@epa.gov]
Cc: Wilbur, Emily[emily.wilbur@dnr.mo.gov]; Bybee, Darcy[darcy.bybee@dnr.mo.gov]
From: Keas, Ashley
Sent: Fri 12/9/2016 4:46:02 PM
Subject: RE: Missouri SO2 Area Recommendations for December 2017 Designations

Andy,

I've gathered up all the source modeling files and uploaded one zip file containing them in the same planning ftp folder. Please let me know if you have issues retrieving it or have any questions.

Thanks!

Ashley Keas, P.E.

Environmental Engineer

Air Pollution Control Program

Missouri Department of Natural Resources

Phone: 573-526-5601

Promoting, Protecting and Enjoying our Natural Resources. Learn more at dnr.mo.gov.

From: Hawkins, Andy [mailto:hawkins.andy@epa.gov]
Sent: Thursday, December 08, 2016 4:37 PM
To: Keas, Ashley; Casburn, Tracey
Subject: RE: Missouri SO2 Area Recommendations for December 2017 Designations

Ashley,

Can you please upload the modeling inputs and outputs for the modeling submitted for the 2017 Designations to your FTP? I have the pdf you sent.

Thanks,

Andy

Andy Hawkins

EPA Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

(913) 551-7179 office

hawkins.andy@epa.gov

From: Keas, Ashley [<mailto:Ashley.Keas@dnr.mo.gov>]

Sent: Thursday, December 08, 2016 1:26 PM

To: Hawkins, Andy <hawkins.andy@epa.gov>; Casburn, Tracey <casburn.tracey@epa.gov>

Cc: Wilbur, Emily <emily.wilbur@dnr.mo.gov>; Bybee, Darcy <darcy.bybee@dnr.mo.gov>

Subject: FW: Missouri SO2 Area Recommendations for December 2017 Designations

Andy and Tracey,

I've uploaded the complete submittal (as referenced below) with appendices to our secure ftp for download at your convenience.

Located at the following path:

<https://moftp.mo.gov/human.aspx?r=1390711604&Arg12=filelist&Arg06=981644056>

Please let me know if you have any issue retrieving it or have any questions.

Thank you,

Ashley Keas, P.E.

Environmental Engineer

Air Pollution Control Program

Missouri Department of Natural Resources

Phone: 573-526-5601

Promoting, Protecting and Enjoying our Natural Resources. Learn more at dnr.mo.gov.

From: Bechtel, Cheri

Sent: Thursday, December 08, 2016 11:29 AM

To: Casburn, Tracey

Cc: 'algoe-eakin.amy@epa.gov'; Bybee, Darcy; Wilbur, Emily; Keas, Ashley

Subject: FW: Missouri SO2 Area Recommendations for December 2017 Designations

Ms. Casburn,

As the attachment to the previous email was too large, I am sending this revised attachment. Please contact Ashley Keas (Ashley.keas@dnr.mo.gov or (573) 526-5601) to arrange FTP transferal of the appendices.

Thanks very much,

Cheri Bechtel

Air Pollution Control Program

573-751-8308

cheri.bechtel@dnr.mo.gov

Promoting, Protecting and Enjoying our Natural Resources. Learn more at dnr.mo.gov.

From: Bechtel, Cheri

Sent: Thursday, December 08, 2016 10:38 AM

To: Casburn, Tracey

Cc: 'algie-eakin.amy@epa.gov'; Bybee, Darcy; Wilbur, Emily; Keas, Ashley

Subject: Missouri SO2 Area Recommendations for December 2017 Designations

Ms. Casburn,

The subject submittal is attached. Please let me know if anything else is needed.

Thank you,

Cheri Bechtel

Air Pollution Control Program

573-751-8308

cheri.bechtel@dnr.mo.gov

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To: Keas, Ashley[Ashley.Keas@dnr.mo.gov]; Casburn, Tracey[casburn.tracey@epa.gov]
From: Hawkins, Andy
Sent: Thur 12/8/2016 10:37:25 PM
Subject: RE: Missouri SO2 Area Recommendations for December 2017 Designations

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Andy

Andy Hawkins

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To: Hawkins, Andy[hawkins.andy@epa.gov]; Casburn, Tracey[casburn.tracey@epa.gov]
Cc: Wilbur, Emily[emily.wilbur@dnr.mo.gov]; Bybee, Darcy[darcy.bybee@dnr.mo.gov]
From: Keas, Ashley
Sent: Thur 12/8/2016 7:26:03 PM
Subject: FW: Missouri SO2 Area Recommendations for December 2017 Designations

Andy and Tracey,

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Located at the following path:

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Thank you,

Ashley Keas, P.E.

Environmental Engineer

Air Pollution Control Program

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Thank you,

Cheri Bechtel

Air Pollution Control Program

573-751-8308

cheri.bechtel@dnr.mo.gov

Promoting, Protecting and Enjoying our Natural Resources. Learn more at dnr.mo.gov.

To: Wiese, Carrie[carrie.wiese@nebraska.gov]
Cc: Jay, Michael[Jay.Michael@epa.gov]; David Brown[dave.l.brown@nebraska.gov]; Kevin Stoner[kevin.j.stoner@nebraska.gov]; Crable, Gregory[Crable.Gregory@epa.gov]
From: Nina Cudahy (PWks)
Sent: Tue 12/6/2016 9:22:54 PM
Subject: Re: QAPP
[Appendix A - Nebraska Air Quality Regulations \(Title 129 - 7.6.2015\).pdf](#)
[Appendix B - 16 EIQ Report Forms.pdf](#)
[Appendix C - EIQ Instructions.blank.pdf](#)
[Appendix D - Hazardous Air Pollutants.pdf](#)
[OAQC EI QAPP 2016.12.05.docx](#)

To all -

Tim Burns has finished his edits to the OAQC QAPP based on comments received from NDEQ. I took a quick review and Tim has given me a red line version, so it will need another review from NDEQ to see if what he has done is acceptable. I have also attached supporting documents that Tim provided.

I am aware this is due by 12/31/16 so hopefully this will give time for your review. I believe that he has addressed most of your comments and I don't expect that it will take too long, but I have not done a thorough review as I wanted you to have one more look at it before the end of the year.

Thank you for your help with this.

Nina Cudahy
Environmental Quality Control Manager
City of Omaha
5600 S 10th St.
Omaha, NE 68107
402-444-3915 ext. 229 (p)
402-444-3904 (f)
Nina.Cudahy@cityofomaha.org

On Tue, Aug 30, 2016 at 2:12 PM, Wiese, Carrie <carrie.wiese@nebraska.gov> wrote:

Good afternoon, Nina:

Thank you for the opportunity to review the proposed QAPP. I asked Dave Brown on my staff to take a look at it, and he has provided the attached comments. Please let me or Dave know if you have any questions or if we may be of further assistance.

Also, if you had not yet been informed, Kevin Stoner is our new Division Administrator (Shelley is now overseeing Kevin's former division, in water permitting). He's copied on this

message for your convenience.

Thanks!
Carrie

Carrie Wiese

Carrie Wiese

Supervisor – Air Quality Grants, Planning and Outreach Unit

Nebraska Department of Environmental Quality

1200 N Street, Suite 400

Lincoln, NE 68508

(402)471-6624, carrie.wiese@nebraska.gov

From: Nina Cudahy (PWks) [<mailto:nina.cudahy@cityofomaha.org>]
Sent: Friday, August 05, 2016 11:58 AM
To: Schneider, Shelley; Jay, Michael
Subject: re: QAPP

Shelley/Michael-

Please see the attached QAPP for your review and comment. I believe we are implementing some of this now and would like to have it fully implemented in March 2017, when data is submitted. We will also need to amend it in the future if the data submission to NDEQ or EPA changes. Dan May and I plan to work together to get data uploaded to EPAs database. It's embarrassing to hear that Omaha is the only one who can't figure this out.

See the paragraph below. I asked Tim to review the budget per the audit action items. I will add that in 2017 we were not allowed (per the Public Works Director) to increase our rates. We have a \$90,000 cash balance in the enterprise fund, however, I expect that we will push to raise rates in 2018, after the Mayoral election, as we never know what we will bill for asbestos and the fund balance could be consumed quickly.

Our budget for 2016 was approved by the City Council on August 25, 2015, at \$685,947.00.

Our recent billing for operating permits and annual fees for NESHAP notifications totaled \$609,948.13, our 105 Grant for \$70,500 has already been billed/collected, and we have billed \$42,307.45 for Asbestos thus far this year.

I believe that the program is financially sound and will remain so for another 5 or more years when OPPD may make additional changes. We will make every effort to keep you informed as soon as we hear what OPPD's definite plans are and provide our input as to the potential impacts to Omaha's program.

Let me know if you need anything else. Feel free to distribute to others. Once we have your approval, I can mail a hard copy for your document record keeping system.

Nina Cudahy
Environmental Quality Control Manager
City of Omaha
5600 S 10th St.
Omaha, NE 68107
402-444-3915 ext. 229 (p)
402-444-3904 (f)

Nina.Cudahy@cityofomaha.org

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

TITLE 129 - NEBRASKA AIR QUALITY REGULATIONS

EFFECTIVE:
JULY 6, 2015

PETE RICKETTS

GOVERNOR

AIR QUALITY REGULATIONS
STATE OF NEBRASKA
DEPARTMENT OF ENVIRONMENTAL QUALITY

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**AIR QUALITY REGULATIONS
STATE OF NEBRASKA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

| <u>SUBJECT OR TITLE</u> | <u>ENABLING LEGISLATION</u> | <u>CODE SECTION</u> |
|---|---|----------------------------|
| Acid Rain | 81-1504 (1)(2) 81-1505 (12)(16) | Ch. 26 |
| Ambient Air Quality Standards | 81-1504 (1)(2) 81-1505 (1)(12) | Ch. 4 |
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NEBRASKA ADMINISTRATIVE CODE

Title 129 - Department of Environmental Quality

Chapter 1 - DEFINITIONS

Definitions included here apply to the state regulations in this Title and to the Appendices. Unless otherwise defined, or a different meaning is clearly required by context, the following words and phrases, as used in this Title, shall have the following meanings:

001 "Act" means the Clean Air Act, as amended (42 U.S.C. 7401 et seq.).

002 "Actual emissions" for purposes other than the Prevention of Significant Deterioration program, means the actual rate of emissions of a pollutant from an emissions unit as determined below:

002.01 In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during the preceding year and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of materials processed, stored, or combusted during the selected time period.

002.02 The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

002.03 For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

003 "Actual emissions", for purposes of the Prevention of Significant Deterioration program, means the actual rate of emissions of a regulated NSR pollutant from an emissions unit as determined in accordance with sections 003.01 through 003.03 except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a Plantwide Applicability Limitation (PAL) under Chapter 19, section 011. Instead, "baseline actual emissions" and "projected actual emissions" shall apply for those purposes.

Effective Date: July 6, 2015

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003.01 In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, existing control equipment, and types of materials processed, stored, or combusted during the selected time period.

003.02 The Director may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

003.03 For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

004 "Actuals PAL" for a major stationary source means a Plantwide Applicability Limitation (PAL) based on the baseline actual emissions of all emissions units at the source that emit or have the potential to emit the PAL pollutant.

005 "Administrator" means the Administrator of the United States Environmental Protection Agency or his or her designee.

006 "Affected facility" means, with reference to a stationary source, any apparatus to which a standard of performance is specifically applicable.

007 "Affected source" means a source that includes one or more affected units.

008 "Affected States" means all States that:

008.01 Are one of the following contiguous States: Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, and in the judgment of the Director may be affected by emissions from a facility seeking a Class I permit, modification, or renewal; or

008.02 Are a contiguous State within 50 miles of the permitted source.

009 "Affected unit" means a unit that is subject to emission reduction requirements or limitations under Chapter 26.

010 "Air contaminant" or "Air contamination" means the presence in the outdoor atmosphere of any dust, fumes, mist, smoke, vapor, gas, or other gaseous fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

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011 "Air curtain incinerator" means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.

012 "Air pollutant" or "air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration as are or may tend to be injurious to human, plant or animal life, property, or the conduct of business.

013 "Air pollution control agency" means any of the following:

013.01 The Department designated by statute as the official state air pollution control agency for purposes of Neb. Rev. Stat. Sections 81-1501 to 81-1532;

013.02 An agency established by two or more states and having substantial powers or duties pertaining to the prevention and control of air pollution;

013.03 A city, county, or other local government health authority; or in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

013.04 An agency of two or more municipalities located in the same state or in different states and having substantial powers or duties pertaining to the prevention and control of air pollution.

014 "Air Quality Control Region" means a region designated by the Governor, with the approval of the Administrator, for the purpose of assuring that national primary and secondary ambient air quality standards will be achieved and maintained. Within one year after the promulgation of a new or revised National Ambient Air Quality Standard, the Governor must designate each region as non-attainment, attainment, or unclassifiable. The Administrator must approve the designations.

015 "Allowable emissions" means

015.01 For a stationary source, the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

015.01A The applicable standards set forth in 40 CFR Parts 60 (Standards of Performance for New Stationary Sources) or Parts 61 or 63 (National Emission Standards for Hazardous Air Pollutants);

015.01B Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

015.01C The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

015.02 For a Plantwide Applicability Limitation (PAL), the definition is the same as in section 015.01 except as this definition is modified according to sections 015.02A and 015.02B:

015.02A The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

015.02B An emissions unit's potential to emit shall be determined using the definition in section 116 except that the words "or enforceable as a practical matter" should be added after "federally enforceable".

016 "Ambient air" means the portion of the atmosphere, external to buildings, to which the general public has access.

017 "AP-42" refers to the *Compilation of Air Pollutant Emission Factors*, published by the EPA Office of Air Quality Planning and Standards. It contains emission factors and process information for more than 200 air pollution source categories.

018 "Applicable requirement" means all of the following as they apply to emissions units in a source required to obtain an operating permit, including requirements that have been promulgated and approved by the Council through rule-making at the time of issuance but have future-effective compliance dates:

018.01 Any standard or other requirement provided for in the applicable implementation plan that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR part 52;

018.02 Any term or condition of any construction permits;

018.03 Any standard or other requirement under Chapter 18 relating to standards of performance for new stationary sources;

018.04 Any standard or other requirement established pursuant to Section 113 of the Act and regulations adopted by the Council in Chapters 23, 27 and 28 relating to hazardous air pollutants listed in Appendix II or Appendix III;

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018.05 Any standard or other requirement of the acid rain program under Chapter 26;

018.06 Any requirements established under Chapter 31 or pursuant to any permit or order issued by the Director under this Title;

018.07 Any standard or other requirement governing solid waste incineration under Chapter 18 or pursuant to Section 129(e) of the Act and regulations adopted by the Council;

018.08 Any standard or other requirement for consumer and commercial products established under Section 183(e) of the Act and regulations adopted by the Council;

018.09 Any standard or other requirement for tank vessels established under Section 183(f) and regulations adopted by the Council;

018.10 Any standard or other requirement to protect stratospheric ozone as promulgated pursuant to Title VI of the Act and regulations adopted by the Council; and

018.11 Any national ambient air quality standard or increment or visibility requirement under the Prevention of Significant Deterioration Program as defined in Chapter 1, but only as it would apply to temporary sources permitted pursuant to Chapter 10.

018.12 "Applicable requirements under the Act" means federal regulations promulgated pursuant to the Clean Air Act, as amended, which have not been considered and adopted by the Council.

019 "Area source" means:

019.01 For the purposes of Class I permits under Chapter 5, 001.01C, any stationary source of hazardous air pollutants that is not a major source and as more particularly defined by National Emission Standards for Hazardous Air Pollutants promulgated under 40 CFR Part 63 and adopted by the Council.

019.02 For all other purposes, any small residential, governmental, institutional, commercial, or industrial fuel combustion operation; on-site waste disposal facility, vessels, or other transportation facilities; or other miscellaneous sources, as identified through inventory techniques approved by the Director.

019.03 Area source shall not include motor vehicles or nonroad vehicles.

020 "Baseline actual emissions" has the definition given to it in Chapter 19, section 005.

021 "Baseline area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1) (A)(ii) or (iii) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: equal to or greater than one (1) microgram per cubic meter (annual average) for SO₂, NO₂, or PM₁₀; or equal to or greater than 0.3 micrograms per cubic meter (annual average) for PM_{2.5}.

022 "Baseline concentration" means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date.

022.01 A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

022.01A The actual emissions, as defined in section 002, representative of sources in existence on the applicable minor source baseline date, except as provided in section 022.02; and

022.01B The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

022.02 The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

022.02A Actual emissions from any major stationary source on which construction commenced after the major source baseline date; and

022.02B Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

023 "Begin actual construction" means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

024 "Best Available Control Technology" or "BACT":

024.01 For purposes of the Prevention of Significant Deterioration (PSD) program as defined in Chapter 1 means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the Director, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

024.02 For purposes other than the PSD program, means an emission limitation or a design, equipment, work practice, operational standard or combination thereof, which results in the greatest degree of reduction of a pollutant, as determined by the Director to be achievable by a source, on a case-by-case basis, taking into account energy, public health, environmental and economic impacts and other costs.

025 "Building, structure, or facility", for purposes other than the Prevention of Significant Deterioration program, means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

026 "Building, structure, facility, or installation", for purposes of the Prevention of Significant Deterioration program, means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major

Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

027 "Class I operating permit" means any permit or group of permits covering a Class I source that is issued, renewed, amended, or revised pursuant to this Title.

028 "Class I source" means any source subject to the Class I permitting requirements of Chapter 5.

029 "Class II operating permit" means any permit or group of permits covering a Class II source that is issued, renewed, amended, or revised pursuant to this Title.

030 "Class II source" means any source subject to the Class II permitting requirements of Chapter 5.

031 "Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

032 "CO₂ equivalent emissions (CO₂e)" shall represent an amount of greenhouse gases (GHGs) emitted, and shall be computed by the sum total of multiplying the mass amount of emissions, in tons per year (tpy), for each of the six greenhouse gases in the pollutant GHGs, by each of the gas's associated global warming potential (see definition for "Global Warming Potential").

033 "Commence" as applied to construction, reconstruction, or modification of a stationary source means that the owner or operator has all necessary preconstruction approvals and either has:

033.01 Begun, or caused to begin, a continuous program of physical on-site construction of the source to be completed within a reasonable time; or

033.02 Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

034 "Complete" means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Department from requesting or accepting any additional information.

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035 "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions (a change in "emissions" for the Prevention of Significant Deterioration Program).

036 "Consumer Price Index" or "CPI" means the average of the Consumer Price Index for all urban consumers published by the United States Department of Labor at the close of the twelve-month period ending on August 31 of each year.

037 "Continuous emissions monitoring system (CEMS)" means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

038 "Continuous emissions rate monitoring system (CERMS)" means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

039 "Continuous parameter monitoring system (CPMS)" means all of the equipment necessary to meet the data acquisition and availability requirements of the Prevention of Significant Deterioration program, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.

040 "Control" and "controlling" means prohibition of contaminants as related to air, land, or water pollution.

041 "Control strategy" means a plan to attain National Ambient Air Quality Standards or to prevent exceeding those standards.

042 "Council" means the Environmental Quality Council.

043 "Department" means the Department of Environmental Quality.

044 "Designated representative" means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of 40 CFR part 72, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term "responsible person" is used in this Title, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program.

045 "Deviation" means a departure from an indicator range or work practice for monitoring, consistent with any averaging period specified for averaging the results of the monitoring.

046 "Director" means the Director of the Department of Environmental Quality or his or her designee.

047 "Draft permit" means the version of a permit for which the permitting authority offers public participation and, in the case of a Class I draft operating permit, affected State review.

048 "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

049 "Elevated terrain" means terrain, which may affect the calculation of good engineering practice stack height.

050 "Emission data" means chemical analysis of process fuel and the manufacturing or production process, as well as operational procedures and actual nature and amounts of emissions.

051 "Emission limitation" and "Emission standard" mean a requirement established pursuant to this Title, the State Act, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

052 "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

053 "Emissions unit" means any part or activity of a stationary source, which emits or would have the potential to emit any regulated air pollutant ("regulated NSR pollutant" for purposes of the Prevention of Significant Deterioration program) or any pollutant

listed in Appendix II. This term includes electric steam generating units. This term is not meant to alter or affect the definition of the "unit" for purposes of Chapter 26.

053.01 For purposes of the Prevention of Significant Deterioration (PSD) program, there are two types of emissions units:

053.01A A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated; and

053.01B An existing emissions unit is any emissions unit that does not meet the requirements in 053.01A above.

054 "Emissions" means releases or discharges into the outdoor atmosphere of any air contaminant or combination thereof.

055 "Existing source" means equipment, machines, devices, articles, contrivances, or installations which are in being on the effective date of these regulations.

056 "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

057 "Federally enforceable" means all limitations, conditions, and requirements within any applicable State Implementation Plan, any permit requirements established in any permit issued pursuant to this Title, and any requirements in Chapters 18 and 23, 27, or 28 which are enforceable by the Administrator.

058 "Final permit" means the version of a permit issued by the Department that has completed all review procedures required by Chapter 14, and for a Class I permit, Chapter 13.

059 "Fixed capital cost" means the capital needed to provide all the depreciable components of a source.

060 "Fuel burning equipment" means any furnace, boiler, apparatus, stack and all associated equipment, used in the process of burning fuel.

061 "Fugitive dust" means solid airborne particulate matter emitted from any source other than a flue or stack.

062 "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

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063 "General permit" means a general construction permit or a Class I or Class II general operating permit or a combination general construction and general operating permit that meets the requirements of Chapter 9.

064 "Global Warming Potential" means the ratio of the time-integrated radiative forcing from the instantaneous release of one kilogram of a trace substance relative to that of one kilogram- of a reference gas, i.e., CO₂. The pollutant greenhouse gases (GHGs) is adjusted to calculate CO₂ equivalence using "Table A-1 – Global Warming Potentials" at 40 CFR 98, Subpart A, as published at 74 Federal Register 56395 on October 30, 2009.

065 "Greenhouse gases (GHGs)" means the air pollutant defined as the aggregate group of six gases: carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

066 "Hazardous air pollutant" means any air pollutant:

066.01 listed in Appendix II; or

066.02 to which no ambient air quality standard is applicable and which in the judgment of the Director may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

067 "High terrain" means any area having an elevation 900 feet or more above the base of the stack of a source.

068 "Incinerator" means any furnace used in the process of burning solid waste, except for a furnace owned and operated by law enforcement agencies solely to dispose of ammunition, fireworks or similar flammable or explosive materials.

069 "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

070 "Indian Reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

071 "Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

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072 "Insignificant activities" refers to activities and emissions that may be excluded from reporting for operating permit applications and/or emissions inventories. Emissions exempted from reporting requirements must still be included in the determination of whether a source must obtain a Class I or Class II operating permit.

073 "Installation" means an identifiable piece of process equipment. (This definition does not apply to the Prevention of Significant Deterioration program. See "Building, structure, facility, or installation")

074 "Interstate air pollution control agency" means:

074.01 An air pollution control agency established by two or more states; or

074.02 An air pollution control agency of two or more political subdivisions located in different states.

075 "Local agency" means any air pollution control agency in this state, other than a state agency, which is charged with responsibility for carrying out part of a plan.

076 "Low emitter" refers to a facility that has a potential to emit any regulated pollutant above the major source threshold (Class I operating permit level), but has actual emissions below the levels requiring a Class II operating permit.

077 "Low terrain" means any area other than high terrain.

078 "Lowest Achievable Emission Rate (LAER)" means, for any source, the more stringent emission rate from either:

078.01 The most stringent emission limitation contained in the implementation plan of any state for such class or category of sources (as adopted by the Council) unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

078.02 The most stringent emission limitation which is achieved in practice by such class or category of source and adopted by the Council. These limitations, when applied to a modification, mean the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

079 "Major emissions unit" means:

079.01 Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

079.02 Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas.

080 "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source.

080.01 Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds or NO_x shall be considered significant for ozone.

080.02 A physical change or change in the method of operation shall not include:

080.02A Routine maintenance, repair and replacement;

080.02B Use of an alternative fuel or raw material by reason of any order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

080.02C Use of an alternative fuel by reason of an order or rule under section 125 of the Act;

080.02D Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste;

080.02E Use of an alternative fuel or raw material by a stationary source which:

080.02E1 The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition, which was established after December 21, 1976, pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1; or

080.02E2 The source is approved to use under any permit issued under regulations approved pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1;

080.02F An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition, which was established after December 21, 1976, pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1; or

080.02G Any change in ownership at a stationary source.

080.02H The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

080.02H1 The State implementation plan for the State in which the project is located; and

080.02H2 Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

080.02I The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

080.02J The reactivation of a very clean coal-fired electric utility team generating unit.

080.03 This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under Chapter 19 for a PAL for that pollutant. Instead, the definition of "PAL major modification" shall apply.

081 "Major source baseline date" means, in the case of PM₁₀ and sulfur dioxide, January 6, 1975, in the case of nitrogen dioxide, February 8, 1988, and, in the case of PM_{2.5}, October 20, 2010.

082 "Major stationary source" or "major source" means any source identified in Chapter 2.

083 "Maximum achievable control technology" or (MACT)" means:

083.01 For new sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that is deemed achievable, which is

no less stringent than the emission limitation achieved in practice by the best controlled similar source.

083.02 For existing sources, the emission limitation reflecting the maximum degree of reduction in hazardous air pollutant emissions that the Director, taking into consideration the cost of achieving such emission reductions, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by sources in the category or subcategory, which is no less stringent than the average emission limitation achieved by the best performing 12 percent of the existing sources, as determined pursuant to section 112(d)(3) of the Act.

084 "Method 9" refers to a visual determination of the opacity of emissions from a stationary source as defined in 40 CFR 60, Appendix A-4.

085 "Method 22" refers to a visual determination of fugitive emissions from material sources and smoke emissions from flares as defined in 40 CFR 60, Appendix A-7.

086 "Minor source" means any source which is not defined as a major source in Chapter 2.

087 "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to the Prevention of Significant Deterioration Program, as defined in Chapter 1, submits a complete permit application. The trigger date is, in the case of PM₁₀ and sulfur dioxide, August 7, 1977, in the case of nitrogen dioxide, February 8, 1988, and in the case of PM_{2.5}, October 20, 2011. Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM₁₀ increments, except that the Department may rescind any such minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM₁₀ emissions.

The baseline date is established for each pollutant for which increments or other equivalent measures have been established if the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 or to Chapter 19; and, in the case of a major stationary source, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

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088 "Mobile source" means a motor vehicle, nonroad engine, or nonroad vehicle. A motor vehicle is a self-propelled vehicle designed for transporting persons or property on a street or highway. A nonroad vehicle is a vehicle powered by a nonroad engine. A nonroad engine is an internal combustion engine that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 111 or section 202 of the Act.

089 "Modification" means any physical change in, or change in method of operation of, an affected facility which increases the amount of any air pollutant, except that:

089.01 Routine maintenance, repair, and replacement (except as defined as reconstruction) shall not be considered physical changes; and

089.02 An increase in the production rate or hours of operation shall not be considered a change in the method of operation, unless such change would violate a permit condition.

090 "National standard" means either a primary or a secondary standard established pursuant to the Act.

091 "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

092 "Net emissions increase" means the following:

092.01 With respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

092.01A The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to the Prevention of Significant Deterioration Program as defined in Chapter 1; and

092.01B Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases shall be determined as provided in Chapter 19, section 005 except that sections 005.05 and 005.06 shall not apply.

092.01C An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the

date five years before the source begins actual construction of the project and the date that the increase from the project occurs.

092.02 An increase or decrease in actual emissions is creditable only if:

092.02A It occurs within the contemporaneous period as defined in section 092.01C; and

092.02B The Director has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 CFR 51.165, which permit is in effect when the increase in actual emissions from the particular change occurs.

092.03 An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

092.04 An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

092.05 A decrease in actual emissions is creditable only to the extent that:

092.05A The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

092.05B It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

092.05C The Director has not relied on it in issuing any permit under regulations in the State Implementation Plan approved pursuant to 40 CFR Part 51, Subpart I or in demonstrating attainment or reasonable further progress; and

092.05D It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

092.06 An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

092.07 Section 002.01 shall not apply for determining creditable increases and decreases.

093 "New source" means any stationary source the construction, modification, or reconstruction of which is commenced after the publication of regulations by the State of Nebraska or the federal government prescribing a standard of performance which will be applicable to such source.

094 "Non-attainment area" means any area designated by the Department or the United States Environmental Protection Agency pursuant to Section 107 (d) of the Act as an area exceeding any National Ambient Air Quality Standard.

095 "Opacity" means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

096 "Open fires" means the burning of any matter in such a manner that the products of combustion resulting from such fires are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.

097 "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

098 "PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased Plantwide Applicability Limitation (PAL) is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

99 "PAL effective period" means the period beginning with the PAL effective date and ending 10 years later.

100 "PAL major modification" means, notwithstanding the definitions of "major stationary source" and "major modification", any physical change in or change in the method of operation of the Plantwide Applicability Limitation (PAL) source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

101 "PAL permit" means the construction permit issued by the Department that establishes a Plantwide Applicability Limitation (PAL) for a major stationary source.

102 "PAL pollutant" means the pollutant for which a Plantwide Applicability Limitation (PAL) is established at a major stationary source.

103 "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

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104 "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified by the United States Environmental Protection Agency, or by a test method specified in an approved State Implementation Plan.

105 "Performance test" means measurements of emissions or other procedures used for the purpose of determining compliance with a standard of performance conducted in accordance with approved test procedures.

106 "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer an air operating permit program, as set forth in Neb. Rev. Stat. §81-1505.04.

107 "Permit revision" means a revision to an operating or construction permit that meets the requirements of Chapter 15.

108 "Permitting authority" means the Department of Environmental Quality.

109 "Person" means any individual partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

110 "Plan" means an implementation plan adopted by the State pursuant to Section 110 of the Act, to attain and maintain a national standard.

111 "Plantwide applicability limitation (PAL)" means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with Chapter 19, section 011.

112 "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J at 40 CFR Part 50 or equivalent methods.

113 "PM₁₀ emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified by the United States Environmental Protection Agency or by a test method specified in an approved State Implementation Plan.

114 Reserved.

115 "Pollution prevention" means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

116 "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Chapter 26.

117 "Predictive emissions monitoring system (PEMS)" means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

118 "Prevention of Significant Deterioration Program (PSD) program" means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of 40 CFR 51.166 or 40 CFR 52.21. Any permit issued under such a program is a major NSR permit.

119 "Primary standard" means a national primary ambient air quality standard identified in Chapter 4.

120 "Process" means any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter, or other air contaminant.

121 "Process weight" means the total weight of all materials introduced into any source operation. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

122 "Process weight rate" means, for continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof. For a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles divided by

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the number of hours of actual process operation during such a period. Where the nature of any process or operation, or the design of any equipment, is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

123 "Project" means a physical change in, or change in method of operation of, an existing major stationary source.

124 "Projected actual emissions" has the definition given to it in Chapter 19, section 006.

125 "Proposed Class I operating permit" means the version of a permit that the Department proposes to issue and forwards to the Administrator for review.

126 "Reasonable further progress" means such annual incremental reductions in emissions of the relevant air pollutant as are required by the applicable implementation plan or may reasonably be required by the Director for the purpose of ensuring attainment of the applicable ambient air quality standard by the applicable date.

127 "Reconstruction" means a situation where the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new facility or source. However, any final decision as to whether reconstruction has occurred shall be made in accordance with the provisions of 40 CFR 60.15(f)(1)-(3). A reconstructed source will be treated as a new stationary source. In determining best available control technology or lowest achievable emission rate for a reconstructed source, the provisions of 40 CFR 60.15(f)(4) shall be taken into account in assessing whether a standard of performance under 40 CFR Part 60 is applicable to such source.

128 "Region" means:

128.01 An air quality control region designated by the Administrator; or

128.02 Any area designated by the State as an air quality control region.

129 "Regional administrator" means the Regional designee appointed by the Administrator.

130 "Regulated air pollutant" means the following:

130.01 Nitrogen oxides or any volatile organic compounds as defined in this Chapter;

130.02 Any pollutant for which a national ambient air quality standard has been promulgated;

130.03 Any pollutant that is subject to any standard in Chapter 18; and

130.04 Any pollutant subject to a standard or other requirements established in Chapters 27 or 28 relating to hazardous air pollutants, including the following:

130.04A Any pollutant subject to requirements under Chapter 27, 005; and

130.04B Any pollutant for which the requirements relating to construction, reconstruction, and modification in Chapter 27, 003, have been met, but only with respect to the individual source subject to these requirements.

130.05 Greenhouse gases (GHGs) as follows:

0130.05A Beginning July 1, 2011, the GHGs emissions are at a stationary source emitting or having the potential to emit 100,000 tons CO₂e or more.

131 “Regulated NSR pollutant” means the following:

131.01 Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator. Precursors for the purpose of NSR are the following:

131.01A Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

131.01B Sulfur dioxide and nitrogen oxides are precursors to PM_{2.5} in all attainment and unclassifiable areas.

131.02 Any pollutant that is subject to any standard promulgated under section 111 of the Act;

131.03 Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or

131.04 Any pollutant that otherwise is subject to regulation under the Act; except that any or all hazardous air pollutants either listed in section 112 of the Act or added to the list pursuant to section 112(b)(2) of the Act, which have not been delisted pursuant to section 112 (b)(3) of the Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

131.05 Greenhouse gases (GHGs) as follows:

131.05A Beginning January 2, 2011:

131.05A1 The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tons per year CO₂e or more; or

131.05A2 The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tons per year CO₂e or more; and

131.05B Beginning July 1, 2011, in addition to the provisions in section 131.05A:

131.05B1 The stationary source is a new stationary source that will emit or have the potential to emit 100,000 tons per year CO₂e or more; or

131.05B2 The stationary source is an existing stationary source that emits or has the potential to emit 100,000 tons per year CO₂e or more, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tons per year CO₂e or more.

131.05C The term emissions increase as used in 131.05A and 131.05B shall mean that both a significant emissions increase (as calculated in Chapter 19, section 008) and a significant net emissions increase (as defined in Chapter 1, section 092 and Chapter 19, section 010) occur. For the pollutant GHGs, an emissions increase shall be based on tons per year CO₂e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and "significant" is defined as 75,000 tons per year CO₂e instead of applying the value in Chapter 19, section 010.18.

132 "Regulated pollutant for fee purposes" means any regulated air pollutant identified in this chapter, except for the following:

132.01 Carbon monoxide;

132.02 Particulate matter, excluding PM₁₀;

132.03 Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act and regulations adopted by the Council; or

132.04 Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation promulgated under Section 112(r) of the Act and regulations adopted by the Council.

132.05 Greenhouse gases (GHGs)

133 "Renewal" means the process by which a permit is reissued at the end of its term.

134 "Replacement unit" means an emissions unit for which all the criteria listed in this definition are met. No creditable emission reductions shall be generated from shutting down the existing unit that is replaced.

134.01 The emissions unit is a reconstructed unit within the meaning of "reconstruction" as defined in Chapter 1, or the emissions unit completely takes the place of an existing emissions unit.

134.02 The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

134.03 The replacement does not change the basic design parameter(s) of the process unit.

134.04 The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced unit is brought back into operation, it shall constitute a new emissions unit.

135 "Responsible official" means one of the following:

135.01 For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

135.01A The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

135.01B The delegation of authority to such representatives is approved in advance by the permitting authority;

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135.02 For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

135.03 For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

135.04 For affected sources:

135.04A The designated representative in so far as actions, standards, requirements, or prohibitions under Chapter 26 are concerned; and

135.04B The designated representative for any other purposes under the Title V program.

136 "Rule or regulation" means any rule or regulation of the Council.

137 "Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

138 "Secondary standard" means a national secondary ambient air quality standard identified in Chapter 4.

139 "Section 502(b)(10) changes" are changes provided for in section 502 (b)(10) of the Act. These are changes allowed within a permitted facility without requiring a permit revision if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit. The facility must provide the Department with written notification of the proposed changes at least 7 days in advance unless the Director determines a different timeframe due to an emergency.

140 "Significant" means, as pertains to a modification in a non-attainment area, a net increase in actual emissions by a rate that would equal or exceed the following rates

("Significant" for purposes of the Prevention of Significant Deterioration Program is defined in Chapter 19):

Pollutant and Emission Rate

Carbon monoxide: 100 tons per year (tpy)

Nitrogen oxides: 40 tpy

Sulfur dioxide: 40 tpy

Particulate matter: 25 tpy

PM₁₀: 15 tpy

PM_{2.5}: 10 tpy

Ozone: 40 tpy of volatile organic compounds or nitrogen oxides

Lead: 0.6 tpy

Fluorides: 3 tpy

Sulfuric acid mist: 7 tpy

Hydrogen sulfide (H₂S): 10 tpy

Total reduced sulfur (including H₂S): 10 tpy

Reduced sulfur compounds (including H₂S): 10 tpy

Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2x10⁻⁶ megagrams per year (3.5x10⁻⁶ tons per year) Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year)

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year)

Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year)

141 "Significant emissions increase" has the definition given to it in Chapter 19, section 008.

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142 "Significant emissions unit" means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in section 140 or in the Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in section 079.

143 "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in section 140 or in the Act, whichever is lower.

144 "Solid waste" has the definition given to it in section 81-1502 (26) of the Nebraska Environmental Protection Act.

145 "Source" means any property, real or personal, or person contributing to air pollution.

146 "Speciation" is the process of classifying and separating objects by common characteristics including, but not limited to, chemical mass balance, factor analysis, optical microscopy, and automated scanning electron microscopy. It is the process used to find the relative proportions or mix of air source categories which best accounts for the composition of a pollutant sample.

147 "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

148 "Stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

149 "Stack height" means the distance from the ground level elevation of a stack to the elevation of the stack outlet.

150 "Standard of performance" means a standard for emission of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Director determines has been adequately demonstrated.

151 "Startup of operation" means the beginning of routine operation of an affected facility.

152 "State" means any non-Federal permitting authority, including any local agency, interstate association, or statewide program.

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153 "State Act" means the Nebraska Environmental Protection Act, Neb. Rev. Stat. §81-1501 through §81-1532, as amended.

154 "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under this Title.

155 "Synthetic minor" refers to a facility that has a potential to emit any regulated pollutant above the major source threshold (Class I operating permit level), but has taken federally enforceable limits to keep potential emissions below the major source threshold, but above the minor source threshold.

156 "Title V program" or "State program" means a program approved by the Administrator for purposes of Title V of the Act.

157 "Total reduced sulfur" means total sulfur from the following compounds: hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

158 "Total Suspended Particulates" means particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.

159 "UTM coordinates" refer to the Universal Transverse Mercator Coordinate (UTM) system, which provides coordinates on a world wide flat grid. The UTM coordinate system divides the world into 60 zones, each being six degrees longitude wide and extending from 80 degrees south latitude to 84 degrees north latitude. The first zone starts at the International Date Line and proceeds eastward.

160 "Volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. VOC includes any such organic compound other than the compounds listed in 40 CFR 51.100(s)(1) and (5), effective July 1, 2013, which have been determined to have negligible photochemical reactivity.

161 "Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings.

162 "Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. They come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

Legal Citation: Title 129, Ch. 1, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Department of Environmental Quality

Chapter 2 - DEFINITION OF MAJOR SOURCE

001 Hazardous Air Pollutants. A major source of hazardous air pollutants is defined as:

001.01 For pollutants other than radionuclides, any stationary source or any group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant listed in Appendix II, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator of EPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources for hazardous air pollutants. All fugitive emissions must be considered in determining whether a stationary source is a major source.

001.02 For radionuclides, "major source" shall have the meaning specified by the Administrator of EPA by rule.

002 Except as otherwise expressly provided herein, a major stationary source of air pollutants is one that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator of EPA). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of this subsection, unless the source belongs to one of the following categories of stationary source:

002.01 Coal cleaning plants (with thermal dryers);

002.02 Kraft pulp mills;

002.03 Portland cement plants;

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002.04 Primary zinc smelters;

002.05 Iron and steel mills;

002.06 Primary aluminum ore reduction plants;

002.07 Primary copper smelters;

002.08 Municipal incinerators capable of charging more than 250 tons of refuse per day;

002.09 Hydrofluoric, sulfuric, or nitric acid plants;

002.10 Petroleum refineries;

002.11 Lime plants;

002.12 Phosphate rock processing plants;

002.13 Coke oven batteries;

002.14 Sulfur recovery plants;

002.15 Carbon black plants (furnace process);

002.16 Primary lead smelters;

002.17 Fuel conversion plants;

002.18 Sintering plants;

002.19 Secondary metal production plants;

002.20 Chemical process plants – The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140;

002.21 Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

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002.22 Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

002.23 Taconite ore processing plants;

002.24 Glass fiber processing plants;

002.25 Charcoal production plants;

002.26 Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

002.27 Any other stationary source category which is being regulated by a standard promulgated under Section 111 or 112 of the Act, as of August 7, 1980.

003 A major stationary source of air pollutants is defined as one which emits, or has the potential to emit 5 tons per year or more of lead.

004 Any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source, shall be considered a major stationary source, if the change by itself would constitute a major stationary source.

005 A major stationary source that is major for volatile organic compounds or NO_x shall be considered major for ozone.

006 A major stationary source for purposes of Chapter 17, section 013 includes:

006.01 For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator of EPA has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;

006.02 For ozone transport regions established pursuant to section 184 (control of ozone or interstate ozone pollution) of the Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;

006.03 For carbon monoxide nonattainment areas:

006.03A That are classified as "serious," and

006.03B In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator of EPA, sources with the potential to emit 50 tpy or more of carbon monoxide; and

006.04 For particulate matter (PM₁₀) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM₁₀.

007 Major source, for purposes of Class I operating permits, means any stationary source (or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraph 001, 002, 003, 004, 005, 006, 008 or 009 of this definition. For the purposes of defining "major source", a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

008 Major stationary source, for the purposes of the Prevention of Significant Deterioration of Air Quality Program (PSD), includes the sources described in sections 008.01 through 008.03. Sources in the categories listed in sections 002.01 through 002.27 must include fugitive emissions in determining major source status.

008.01 Any of the following stationary sources which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant: fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, Portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants (with thermal dryers), primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System

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(NAICS) codes 325193 or 312140), fossil fuel boilers (or combinations thereof) totaling more 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants.

008.02 Notwithstanding the stationary source size specified in section 008.01, any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant, or

008.03 Sources fitting the descriptions in sections 004 and 005.

009 Major source of particulate matter, for purposes of Class I operating permits, shall be determined based on the potential to emit PM₁₀.

Legal Citation: Title 129, Ch. 2, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 3 - REGIONS AND SUBREGIONS: HOW CLASSIFIED

001 Five basic Air Quality Control Regions are hereby designated for the State of Nebraska:

001.01 The Nebraska Intrastate Air Quality Control Region includes all counties (and subdivisions therein) within the boundaries of the state exclusive of those counties included in one of the other four Air Quality Control Regions. Figure 3-1 shows the locations of all five Air Quality Control Regions.

001.02 The Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region includes the counties of Lancaster, Gage, Jefferson, and Thayer and all subdivisions therein.

001.03 The Metropolitan Sioux City Interstate Air Quality Control Region includes only Dakota County in Nebraska; two counties in Iowa and one in South Dakota form the largest part of the whole region.

001.04 The Omaha-Council Bluffs Interstate Air Quality Control Region includes the counties of Douglas and Sarpy in Nebraska and Pottawattamie in Iowa.

001.05 The Columbus Intrastate Air Quality Control Region includes the counties of Platte, Colfax, Polk, and Butler and all subdivisions therein.

002 Lancaster County is hereby designated as a subregion of the Lincoln-Beatrice-Fairbury Intrastate Air Quality Control Region.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2), 81-1505(1)(12) Legal Citation: Title 129, Ch. 3, Nebraska Department of Environmental Quality

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Chapter 4 - AMBIENT AIR QUALITY STANDARDS

The following ambient air quality standards are applicable in the State of Nebraska:

001 Particulate Matter

001.01 PM₁₀ – Primary and secondary standards

Level: 150 micrograms per cubic meter

Averaging time: 24-hours

Form: Not to be exceeded more than once per year on average over 3 years

(Attainment of these standards is determined in accordance with Appendix K of 40 CFR Part 50 (version July 1, 2013); which is adopted and incorporated herein)

001.02 PM_{2.5}

001.02A Primary standard

Level: 12.0 micrograms per cubic meter

Averaging time: Annual

Form: Annual mean averaged over 3 years

001.02B Secondary standard

Level: 15.0 micrograms per cubic meter

Averaging time: Annual

Form: Annual mean averaged over 3 years

001.02C Primary and secondary standard

Level: 35 micrograms per cubic meter

Averaging time: 24-hour

Form: 98th percentile averaged over 3 years

(Attainment of these standards is determined in accordance with Appendix N of 40 CFR Part 50 (version July 1, 2013); which is adopted and incorporated herein)

002 Sulfur dioxide

002.01 Primary standard

Level: 75 parts per billion
Averaging time: 1-hour
Form: 99th percentile of 1-hour daily maximum concentrations averaged over 3 years

002.02 Secondary standard

Level: 0.5 parts per million
Averaging time: 3-hours
Form: Not to be exceeded more than once a year

(Attainment of this standard is determined in accordance with Appendix T of 40 CFR Part 50 (version July 1, 2013); which is adopted and incorporated herein)

003 Nitrogen dioxide

003.01 Primary standard

Level: 100 parts per billion
Averaging time: 1-hour
Form: 98th percentile averaged over 3 years

003.02 Primary and secondary standards

Level: 53 parts per billion
Averaging time: Annual
Form: Annual mean

(Attainment of this standard is determined in accordance with Appendix S of 40 CFR Part 50 (version July 1, 2013); which is adopted and incorporated herein)

004 Carbon monoxide – Primary standards

Level: 9 parts per million

Averaging time: 8-hours
Form: Not to be exceeded more than once per year

Level: 35 parts per million
Averaging time: 1-hour
Form: Not to be exceeded more than once per year

(Attainment of this standard is determined in accordance with 40 CFR 50.8. (version July 1, 2013); which is adopted and incorporated herein)

005 Ozone – Primary and secondary standards

Level: 0.075 parts per million (0.075 ppm)
Averaging time: 8-hour
Form: Annual fourth-highest daily maximum 8-hour concentration averaged over 3 years

(Attainment of this standard is determined in accordance with Appendix P of 40 CFR Part 50 (Version July 1, 2013); which is adopted and incorporated herein)

006 Lead – Primary and secondary standard

Level: 0.15 micrograms per cubic meter
Averaging time: Rolling three-month average
Form: Not to be exceeded

(Attainment of this standard is determined in accordance with Appendix R of 40 CFR Part 50 (Version July 1, 2013); which is adopted and incorporated herein)

007 Total reduced sulfur

Level: 10.0 parts per million (10.0 ppm)
Averaging time: 1 minute
Form: Maximum average concentration

Level: 0.10 parts per million (0.10 ppm)
Averaging time: 30-minutes
Form: Maximum rolling average

007.01 Except as provided in 007.01A and 007.01B these standards apply only where human exposure occurs.

007.01A Ambient concentrations of total reduced sulfur (TRS) emissions occurring as a result of natural activities that have no associated economic benefits, such as seasonal stratification or turnover of lakes and lagoons, and the release of water uncontaminated by process or industrial activity from lakes, reservoirs, lagoons and water impoundment systems shall not constitute violation of the standards contained in section 007.

007.01B The Department shall provide reasonable opportunity for any owner or operator of any source causing or contributing to a violation of the standards in 007 to develop and implement a program to eliminate such violations prior to taking enforcement action.

007.02 Unless otherwise approved by the Director, the levels of TRS in the ambient air shall be measured using a TRS thermal converter in conjunction with an SO₂ monitor. The SO₂ monitor shall be designated as an EPA reference method or equivalent method in accordance with 40 CFR Part 53. In combination, the monitor must meet or exceed the following minimum specifications:

007.02A Lower detection limit of 0.4 ppb (parts per billion);

007.02B Zero Drift less than 0.5 ppb in 24 hours and less than 1 ppb in 7 days at constant conditions;

007.02C Span Drift of less than 0.5 percent of the reading in 24 hours and less than 1 percent of the reading in 7 days at constant conditions;

007.02D Precision of 0.5 percent of the reading; and

007.02E Linearity of 1 percent of full scale.

007.03 A rolling average shall be considered valid if there is data for at least 75 percent of the period in question. In the event that less than 100 percent of the data are available, the rolling average shall be computed on the basis of the data available using the number of data available as the divisor.

007.04 The standards are attained when all of the following conditions are met:

007.04A The one-minute concentration is less than or equal to 10.0 ppm, rounded to one decimal place (fractional parts equal to or greater than 0.05 ppm must be rounded up);

007.04B The 30-minute rolling arithmetic mean concentration is less than or equal to 0.10 ppm, rounded to two decimal places (fractional parts equal to or greater than 0.005 ppm must be rounded up);

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Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2), 81-1505(1)(12)

Legal Citation: Title 129, Ch. 4, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

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Chapter 5 - OPERATING PERMITS - WHEN REQUIRED

001 Applicability and Scope. The following sources are required to obtain operating permits unless exempted under 002:

001.01 Class I (major source) permits shall be required to operate any of the following:

001.01A Any major source as defined in Chapter 2;

001.01B Any source, including an area source, subject to a standard, limitation, or other requirement under Chapter 18;

001.01C Any source, including an area source, subject to a standard or other requirement under Chapters 23, 27 or 28;

001.01D Any affected source;

001.01E Any source in a source category designated by the Director or required to do so by any other applicable requirement under Title 129 or under the Act.

001.02 Unless a Class I permit is required, Class II (minor source) permits shall be required to operate any of the following, unless covered under the provisions of Chapter 42:

001.02A Any source or emissions unit with actual emissions above the following:

001.02A1. [rescinded]

001.02A2. Fifty (50) tons/year or more of PM₁₀ emissions.

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001.02A3. Fifty (50) tons/year or more of SO₂ or SO₃, or any combination of the two.

001.02A4. Fifty (50) tons/year or more of oxides of nitrogen (calculated as NO₂).

001.02A5. Fifty (50) tons/year or more of volatile organic compounds (VOC).

001.02A6. Fifty (50) tons/year or more of carbon monoxide.

001.02A7. Two and one-half (2.5) tons/year or more of lead.

001.02A8. Five (5) tons/year or more of any hazardous air pollutant or an aggregate of twelve and one-half (12.5) tons/year or more of any hazardous air pollutants.

001.02B All incinerators used for refuse disposal or for the processing of salvageable materials except refuse incinerators located on residential premises containing five or less dwelling units used only for disposal of residential waste generated on the said property.

001.03 Any source or emissions unit required to obtain a Class I permit based on potential emissions may request that potential to emit be limited to below the major source threshold, as provided in Chapter 42 or in section 001.03A and 001.03B below.

001.03A Synthetic Minor Permits

001.03A1 Any source or emissions unit with actual emissions between the levels specified in section 001.02A above and the major source levels may apply for a Class II permit, as a synthetic minor source, which provides enforceable limits to potential emissions, as provided in Chapters 7 through 15.

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001.03A2 Any source or emissions unit with actual GHGs emissions less than 100 tons per year on a mass basis or less than 100,000 tons per year CO₂e may apply for a Class II permit which provides enforceable limits to potential emissions, as provided in Chapters 7 through 15.

001.03B Any source or emissions unit with actual emissions below the levels specified in section 001.02A above shall be exempt from the duty to obtain an operating permit under the following conditions, known as the Low Emitter Rule, unless required to do so in sections 001.02B.

001.03B1 The source is not otherwise required to obtain an operating permit;

001.03B2 The source has submitted a demonstration and maintains records on site, updated at least monthly, for at least five years that actual emissions for each regulated pollutant do not exceed the levels specified in section 001.02A above;

001.03B3 Credit for controls which are not required under the provisions of this title will only be allowed if documentation is maintained that demonstrates that controls were continuously maintained and operated as specified by the manufacturer to achieve the level of efficiency for which credit is sought;

001.03B4 Additional information, such as an annual emissions inventory or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other emissions will not prevent attainment or maintenance of the ambient air quality standards specified in Chapter 4, must be provided upon Department request; and

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001.03B5 Compliance with the provisions of this section do not shield the owner or operator from the duty to comply with any other applicable requirement under Title 129, nor shield the owner or operator from enforcement action for the violation of any other applicable requirement under Title 129.

002 Source Category Exemptions.

002.01 All sources listed in 001.01 above that are not major, or affected sources, are exempt from the obligation to obtain a Class I permit unless required to do so under another applicable requirement under Title 129 or under the Act. Any such exempt source may opt to apply for a permit under these regulations and shall be issued a permit if the applicant otherwise satisfies all of the requirements of these regulations.

002.02 The following sources are exempt from applying for and having a Class I or II operating permit:

002.02A All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and

002.02B All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, §61.145, Standard for Demolition and Renovation.

002.02C All sources and source categories subject only to regulations or requirements under Section 112(r) of the Act.

002.02D All sources and source categories that would be required to obtain a permit solely because of the presence of a generator whose sole function is to provide back-up power when electrical power from

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the local utility is interrupted. This exemption is unavailable to peaking units at electric utilities and any other generator which is used during time periods when power is available from the utility.

Exempted units must submit an annual report of hours of operation to the Department by the end of the month following the month in which 500 hours per year are exceeded, or upon request.

003 Emissions Units Covered.

003.01 Sources required to obtain an operating permit under this title shall identify all relevant emission units in the permit application unless the emission unit is specifically exempted pursuant to sections 006.03 and 006.04 of Chapter 7.

003.02 A source required to obtain an operating permit under this title may comply through one of the following methods:

003.02A A source may obtain a single permit for all relevant emission units located within a contiguous area under common control, whether or not falling under the same two-digit Standard Industry Code (SIC) code; or

003.02B A major source, as defined in Chapter 2, section 001 or section 008, comprised of different business entities (each defined as a “person” in Chapter 1, section 107), whether or not they are under the same two-digit SIC code, may obtain a separate permit for each business entity (“person”). All business entities (“persons”) must obtain a Class I permit regardless of size. Sources may not avoid major source requirements, including, but not limited to, emissions fees (see Chapter 29) or National Emissions Standards for Hazardous Air Pollutants requirements (see Chapters 27 and 28), by being permitted in this manner; or

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003.02C A source may request and obtain coverage for one or more emission units eligible for coverage under a general permit issued by the Department and obtain a separate permit for emission units not eligible for such coverage. Sources may not avoid major source requirements, including, but not limited to, emissions fees (see Chapter 29) or National Emissions Standards for Hazardous Air Pollutants requirements (see Chapters 27 and 28), by being permitted in this manner, unless the source-wide potential emissions are limited to less than the major source thresholds by these permits. This would include paying emissions fees for emissions from the unit(s) covered by a general permit..

003.03 A source required to obtain a mercury budget permit under rules incorporated in Chapter 18, section 005, must obtain, in addition to any other required permits, a mercury budget permit which covers every mercury budget unit at the source, contains all applicable mercury budget program requirements, and is a complete and separable portion of the operating permit.

004 Fugitive Emissions. Fugitive emissions from a source shall be included in the permit application and covered in the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

005 Except as provided in Chapter 12, section 003, no source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under an approved operating permit program. If an operating source submits a timely and complete application for permit issuance, or for renewal, the source's failure to have a permit is not a violation of the State Act or Act until the Department takes final action on the permit application, provided that the failure to have a permit is through no fault of the source. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to Chapter 7, section 003, the applicant fails to submit any additional information necessary to process the application within the deadline specified in writing by the Department.

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006 The submittal of a complete Class I or II operating permit application shall not affect the requirement that any source have a pre-construction permit as may be required by these regulations.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 5, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 6 - EMISSIONS REPORTING; WHEN REQUIRED

001 Every source subject to a permit requirement under Chapters 5 or 17 shall complete and submit to the Department an annual emissions inventory, if requested, on forms furnished by or acceptable to the Department by March 31, and shall include emission information for the previous calendar year. This requirement applies whether or not a permit application has been filed or a permit issued. The inventory form shall be certified in accordance with Chapter 7, section 008.

002 The annual emissions inventory form shall include the following information:

002.01 The source's name, description, mailing address, contact person and contact person's phone number, and physical address and location, if different than the mailing address.

002.02 A description of the existing (or proposed) facilities, modifications or operations including all processes employed; normal hours of operation; the nature and amounts of fuel and other materials involved; the probable nature, rate of discharge, and time duration of contaminant emissions; any such other information as is relevant to air pollution control and available or capable of being assembled in the normal course of operation; and, if required by the Director, ambient air quality and meteorological data.

002.03 The actual quantity of emissions, including documentation of the method of measurement, calculation or estimation, of:

002.03A Any single regulated non-hazardous air pollutant in a quantity greater than one ton.

002.03B Any single regulated hazardous air pollutant in a quantity greater than the reporting level listed in Appendix II or Appendix III.

002.03C Any combination of hazardous air pollutants in a quantity greater than 2.5 tons.

003 Actual emissions as defined in Chapter 1 shall be calculated using one of the following methods, as appropriate:

003.01 Any test method or procedure identified in Chapter 34;

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003.02 Continuous emission monitor (CEM) data, provided that:

003.02A The CEM operation is, and has been for the reporting period, in compliance with all applicable requirements and applicable requirements under the Act;

003.02B The total operating time of the applicable emission unit and the CEM are included in the inventory report; and

003.02C The report includes an explanation of how the emissions were calculated using CEM data.

003.03 Any applicable method identified in the Compilation of Air Pollutant Emission Factors, Volume I, Stationary Point and Area Sources, Fifth Edition;

003.04 Any applicable method identified in Factor Information Retrieval System Version 5.0 Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants, EPA-454/R-95-012, August 1995; or

003.05 A material mass balance equation.

004 Except as otherwise provided in 003 above, any other test methods and procedures for use in determining actual emissions must be approved by the Director.

005 The Director may require the submittal of supplemental information to verify or otherwise assure the quality of emissions reported.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 6, Nebraska Department of Environmental Quality

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Effective Date 6/15/2011 (Rev 12/13/2006)

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ED_001261_00043928

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 7 - OPERATING PERMITS - APPLICATION

001 Duty to Apply. The owner or operator of any source required to obtain a Class I or Class II operating permit shall submit a timely and complete application in accordance with this chapter.

002 Timely Application.

002.01 Sources that are required to obtain a Class I operating permit shall file applications in accordance with the following schedule:

002.01A For the purpose of early submission of applications and processing of permits, the Department shall create and maintain an early permit application registry. The registry will be open for the first three months after the effective date of this Title under State law. Sources may request to be placed on the registry on a first come first serve basis as of the date the request is received by the Department. If necessary, the Department will complete the registry with additional sources. These additional sources will be notified of their placement on the registry. Sources on this registry shall file a complete application with the Department within twelve months of the date on which the registry is closed, but not later than March 30, 1995.

002.01B All other existing sources not on the registry shall file an application by November 17, 1996.

002.02 A source that becomes subject to the Class I operating permit program at any time following the effective date of these regulations shall file an application within 12 months of the date on which the source first becomes operational or otherwise subject to the Title V program.

002.03 A source that is required to meet the requirements under Chapters 27 or 28, or to have a permit under a preconstruction review program under Chapters 17 or 19, shall file a complete application for a Class I or Class II operating permit, if so required, or a permit revision within 12 months after the source begins operation. Where an existing operating permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.

002.04 Sources that are required to obtain a Class II operating permit shall file

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applications by December 15, 1994, or within twelve months of the date on which the source first becomes operational or otherwise subject to the requirement to obtain a permit.

002.05 A source issued an operating permit before November 1, 1993, may continue to operate as provided in the existing permit provided that the source has submitted a timely and complete application, until either of the following occurs:

002.05A The operating permit is terminated.

002.05B The Director issues or denies a Class I or Class II permit to the source.

002.06 For purposes of permit renewal, a timely application is one that is submitted at least 6 months prior to the date of permit expiration or such longer time as may be approved by the Director after notice to the permittee that ensures that the permit will not expire before the permit is renewed. In no event shall this time be greater than 18 months.

002.07 Applications for initial phase II acid rain permits shall be submitted:

002.07A by January 1, 1996 for sulfur dioxide, and

002.07B by January 1, 1998, for oxides of nitrogen.

003 Complete Application for Class I and Class II Permits.

003.01 An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and its application and to determine all applicable requirements. For purposes of this chapter only, applicable requirements include applicable requirements under the Act. The application shall be certified by a responsible official for the source.

003.02 The Department shall determine if the application is complete within 60 days after receipt of the application. If the Department determines that the application is not complete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response. The Department may determine that an application is complete, but later determine that additional information is needed to evaluate or take final action on the application.

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003.03 If the Department does not determine that the application is not complete, the application is automatically deemed to be complete 60 days after it was received by the Department. Nothing in this section shall prohibit the Department from requesting additional information that is necessary to evaluate or take final action on the application or release the applicant from providing such information.

003.04 A source which has submitted a timely and complete application may continue to operate without a permit from the date the application is determined to be complete until final action on the application is taken, provided that the applicant submits any requested additional information by the deadline established by the Department.

004 Confidential Information for Class I and Class II Permits. A source which has submitted information to the Department under a claim of confidentiality pursuant to Title 115, Rules of Practice and Procedure, may be required by the Department to submit a copy of such information to the EPA. Confidential information must be submitted separately. The permit application, compliance plan, schedule of compliance, monitoring reports, certification, and issued permits shall be available to the public. Emissions data shall not be entitled to confidential protection.

005 Duty to Supplement or Correct Application for Class I and Class II Permits. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

006 Class I permits - Standard Application Form and Required Information.

006.01 The owner or operator of a source required to obtain a Class I operating permit shall submit an application on standard forms available from the Department.

006.02 The applicant is required to include the following information on the standardized application form or in attachments:

006.02A Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact. If the company is located on leased property, the name of the property owner shall be provided.

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006.02B A description of the source's processes and products (by Standard Industrial Classification Code as published by the Executive Office of the President's Office of Management and Budget, and Source Classification Code as published by EPA's Office of Air Quality Planning and Standards) including any associated with an alternate scenario identified by the source.

006.02C The following emission-related information for each emissions unit:

006.02C1 All emissions, both actual and potential, of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are specifically exempted from listing these units in the application. The Department shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule. This information shall be provided for each operating scenario identified by the source.

006.02C2 Identification and description of all points of emissions described in 006.02C1 above in sufficient detail to establish the basis for fees and applicability of requirements of the Act.

006.02C3 Emissions rate in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method or alternative method as approved by the Director.

006.02C4 The following information to the extent it is needed to determine or regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules.

006.02C5 Identification and description of air pollution control equipment and compliance monitoring devices or activities.

006.02C6 Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Class I source.

006.02C7 Other information required by any applicable requirement

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(including information related to stack height limitations developed pursuant to Chapter 16).

006.02C8 Calculations on which the information in the above paragraphs is based.

006.02C9 The applicant shall indicate any emission points at the facility for which the applicant intends to request coverage under a general permit.

006.02D The following air pollution control requirements:

006.02D1 Citation and description of all applicable requirements, and

006.02D2 Description of or reference to any applicable test method for determining compliance with each applicable requirement.

006.02E Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or this Title or to determine the applicability of such requirements.

006.02F An explanation of any proposed exemptions from otherwise applicable requirements.

006.02G Additional information as determined to be necessary by the permitting authority to define alternate operating scenarios identified by the source or to define permit terms and conditions related to modifications which do not require a permit revision.

006.02H A compliance plan for all Class I sources that contains all of the following:

006.02H1 A description of the compliance status of the source with respect to all applicable requirements.

006.02H2 A description as follows:

006.02H2(a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

006.02H2(b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis;

006.02H2(c) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

006.02H3 A compliance schedule as follows:

006.02H3(a) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

006.02H3(b) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement;

006.02H3(c) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in non-compliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.

006.02H4 A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

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006.02H5 The compliance plan content requirements specified in these paragraphs shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

006.02I Requirements for compliance certification, including the following:

006.02I1 A certification of compliance with all applicable requirements by a responsible official consistent with section 008 of this Chapter.

006.02I2 A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

006.02I3 A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the Department in any permit; and

006.02I4 A statement indicating the source's compliance status with any applicable compliance assurance or periodic monitoring_and compliance certification requirements of this Title.

006.02J The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by Chapter 26.

006.02K The source may request the permit shield described in Chapter 8, 014.

006.03 The Director may develop a list of insignificant activities exempted from the requirements of sections 006.02 of this Chapter and 002 of Chapter 6. The list shall be made available by the Department and updated as necessary. The Director may consider the following criteria in developing the list of insignificant activities:

006.03A Support activities (e.g., janitorial, cafeteria or laundry) may belisted as insignificant if they are not themselves marketed or traded, and do not use equipment or materials of a size or nature that are themselves subject to an

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applicable requirement under the Act or this title;

006.03B Activities or emission units which can be determined to result in air contaminant emissions less than those specified in Chapter 5, section 001.02 based on size, capacity or an expectation of incidental usage (e.g., back-up generators) may be determined to be insignificant. The Director may consider standard industrial practices and the results of rulemaking efforts under the Act in establishing such thresholds;

006.03C Laboratory and research and development (R & D) activities may be listed as insignificant activities only if conducted in the nonprocess areas of the facility. If the principal activity of a site is laboratory services or R & D activities for other locations or under contract, such activities cannot be insignificant;

006.03E AP-42 emission factors or comparable data may be considered when determining insignificant use or storage thresholds. For hazardous air pollutants, the Director may consider any de minimis emission level established by the EPA under §112(g) of the Act or a storage or use level established in any federal or state standard.

006.04 The list of insignificant activities shall describe classes of activities that may be excluded from the permit application or only listed with a limited amount of support data. The list must specify the following:

006.04A The applicant must provide all such information necessary to determine if a specific activity, piece of equipment or group of items is subject to an applicable requirement under the Act or this title, if requested; and

006.04B The inclusion of an activity, emission unit or specific use or storage of a regulated pollutant on the list does not absolve an applicant from any applicable requirements under the Act or this title to which such an activity or emission unit is otherwise subject.

007 Class II permits - Standard Application Form and Required Information.

007.01 Identifying information, including company name and address, and plant name and address, if different, owner's name and address, and telephone number, and names of

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plant site manager or contact.

007.02 A description of the source's processes and products, including Standard Industrial Codes.

007.03 Emissions-related information, including:

007.03A Emissions of regulated pollutants emitted from any emission unit;

007.03B Identification and description of all emissions units;

007.03C Emissions rate, both actual and potential, in tpy;

007.03D The following information if needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules;

007.03E Identification and description of air pollution control equipment and compliance monitoring devices or activities;

007.03F Limitations on source operation affecting emissions, including physical or operational limitations on potential to emit.

007.04 Specific information that may be necessary to implement and enforce any applicable requirement.

007.05 An explanation of any proposed exemption from an applicable requirement.

007.06 Additional information determined to be necessary by the Department to define permit terms and conditions.

007.07 Insignificant activities listed for exclusion in the permit application pursuant to sections 006.03 and 006.04 of this chapter shall be treated as specified by those sections.

008 Certification for Class I and Class II Permits. Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these regulations shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and

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009 The Department shall approve or disapprove a completed application for a Class I source, and shall issue or deny the permit within 18 months after the date of receipt thereof. This requirement does not apply to sources submitting applications under the provisions of Section 002.01 of this Chapter.

010 Applications for construction or modification under Chapter 19 relating to the Prevention of Significant Deterioration of Air Quality, and for any plan requirements for nonattainment areas, shall be given a priority.

011 The Department shall prepare a statement that sets forth the legal and factual basis for the draft Class I permit conditions, including references to the applicable statutory and regulatory provisions. This statement shall accompany the draft permit sent to EPA, and be made available to any person who requests it.

012 The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under Chapters 17 or 19.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 7, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 8 - OPERATING PERMIT CONTENT

001 Each Class I operating permit shall include the standard permit requirements in sections 002 through 013.

002 Emission limitations and standards. Each permit shall specify emission limitations and standards, including those operational requirements and limitations that assure compliance with all requirements applicable at the time of permit issuance.

002.01 The permit shall specify and reference the origin of, and authority for, each term or condition. In addition it shall identify any difference to the terms or conditions as compared to the applicable requirement upon which the term or condition is based.

002.02 Where an applicable requirement is more stringent than an applicable requirement specified in Chapter 26, both provisions shall be incorporated into the permit.

002.03 If an applicable implementation plan or an applicable requirement allows a source to comply through an alternative emission limit or means of compliance equivalent to that contained in the plan, a source may request that such an alternative limit or means of compliance be specified in its permit. Such an alternative emission limit or means of compliance shall be included in a source's permit upon a showing that it is quantifiable, accountable, enforceable, and based on replicable procedures. The source shall propose permit terms and conditions to satisfy these requirements in its application.

003 Permit duration.

003.01 Class I and Class II operating permits shall be issued for a fixed term not to exceed 5 years, except as provided below:

003.02 The Director may issue any Class I permit, except as limited in 003.04 and 003.05, for a duration that is less than the full allowable term under 003.01.

003.03 The term of a permit shall not be extended by modification beyond the maximum duration specified except that the conditions of an expiring permit shall continue until the effective date of a new permit in accordance with Chapter 12, provided that:

003.03A The permittee has submitted a timely application which has been deemed complete by the Department, and

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003.03B The Director, through no fault of the permittee, does not issue a new permit with an effective date before the expiration date of the previous permit.

003.04 Class I permits for affected sources shall be issued for a fixed term of 5 years.

003.05 Class I permits for solid waste incineration units combusting municipal waste subject to a performance standard under Chapter 18 shall be issued for a period not to exceed 5 years.

004 Monitoring and related recordkeeping and reporting requirements.

004.01 Each Class I permit shall contain the following monitoring requirements:

004.01A All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods established in Chapter 31 or pursuant to any permit or order issued by the Director under this Title.

004.01B Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.

004.01C As necessary, requirements concerning the use, maintenance, and installation of monitoring equipment or methods and quality assurance and control procedures.

004.02 Each Class I permit shall incorporate all applicable recordkeeping requirements and require, if necessary, the following:

004.02A Records of required monitoring information that include the following:

004.02A1 The date and place as defined in the permit, and time of sampling or measurements;

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004.02A2 The date(s) analyses were performed;

004.02A3 The company or entity that performed the analyses;

004.02A4 The analytical techniques or methods used;

004.02A5 The results of such analyses; and

004.02A6 The operating conditions existing at the time of sampling or measurement.

004.02B Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. The permit may specify that records may be maintained in computerized form.

004.03 Each Class I permit shall incorporate all applicable reporting requirements and shall, at a minimum, require the following:

004.03A Submittal of reports of required monitoring at least every 6 months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official in accordance with Chapter 7, section 008.

004.03B Reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permit shall require reporting of deviations as follows:

004.03B1 Any deviation resulting from emergency or upset conditions as defined in Chapter 11 shall be reported within two working days of the date on which the permittee first becomes aware of the deviation, if the permittee wishes to assert the affirmative defense authorized under said section;

004.03B2 Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as is

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practicable;

004.03B3 Any other deviations that are identified in the permit as requiring more frequent reporting than the permittee's semi-annual report shall be reported on the schedule specified in the permit.

004.03B4 All reports of deviations shall identify the probable cause of the deviations and any corrective actions or preventative measures taken.

004.04 Every report submitted under 004.03 shall be certified by a responsible official, except that a report of a deviation required under 004.03B must be submitted within ten days of the deviation. The report may be submitted initially without a certification if an appropriate certification is provided within ten days thereafter, together with any corrected or supplemental information required concerning the deviation.

005 Acid Rain Permit Condition

005.01 Acid Rain. Each Class I permit issued to an affected source shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Act.

005.01A No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Title IV acid rain program developed under the Act, provided that such increases do not require a permit revision under any other applicable requirement.

005.01B No limit shall be placed on the number of allowances held by the source.

005.01C The allowances a source possesses shall not be a defense to noncompliance with any other applicable requirement.

005.01D Any allowance shall be accounted for according to procedures established in Chapter 26.

005.02 Reserved.

006 Severability. Each Class I and Class II permit shall contain a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any

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portions of the permit.

007 General conditions. Each permit shall contain the following provisions:

007.01 The permittee must comply with all conditions of the Class I and Class II permit. Any permit noncompliance shall constitute a violation of the State Act and the Act, and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

007.02 It shall not be a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

007.03 The permit may be modified; revoked, reopened, and reissued; or terminated for cause in accordance with this Title and Title 115, Rules of Practice and Procedure. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not supersede any permit condition.

007.04 The permit does not convey any property rights of any sort, or any exclusive privilege.

007.05 The permittee shall furnish to the Department, within the time specified by the Department, any information requested by the Department in writing to determine whether cause exists for modifying; revoking and reissuing; or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of records required to be kept in accordance with the permit or, for information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality pursuant to Title 115 - Rules of Practice and Procedure.

007.06 The provisions of a permit issued under this Title supersede the provisions of any previously issued operating or construction permit.

008 Fees. Each Class I permit shall contain a provision to ensure that a major source of regulated pollutants pays fees to the Department consistent with Chapter 29.

009 Alternative operating scenarios. Each permit shall contain terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved

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by the Director. Such terms and conditions:

009.01 Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which the source is operating;

009.02 Must ensure that the terms and conditions of each alternative scenario meet all applicable requirements and the requirements of the permit; and

009.03 The permit shield, if requested, as described in 014 for all terms and conditions under each operating scenario.

010 Reopening for cause. Each permit shall include provisions specifying the conditions under which the permit will be reopened, revoked and reissued, or terminated, in accordance with Chapter 15, section 006.

011 Risk Management Plans. If the source is required to develop and register a risk management plan pursuant to section 112(r) of the Act and regulations adopted by the Council, the permit will specify that the permittee will comply with the requirement to register such a plan. The content of the risk management plan will not be incorporated as a permit term. The permit shall require:

011.01 Verification of plan preparation and submittal to the Department, the State Emergency Response Commission, and any Local Emergency Planning Committee; and

011.02 Annual certification in accordance with Chapter 7, 006.02I3 that the risk management plan is being properly implemented.

012 Compliance requirements. All Class I operating permits shall contain the following elements with respect to compliance:

012.01 Consistent with 004 above, compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document, including reports, required by a Class I permit shall contain a certification by a responsible official that meets the requirements of Chapter 7, section 008.

012.02 Inspection and entry requirements that require the permittee to allow the Department, EPA or an authorized representative, upon presentation of credentials and

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other documents, to:

012.02A Enter upon the permittee's premises at reasonable times where a source subject to a Class I operating permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

012.02B Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

012.02C Inspect at reasonable times any facilities, pollution control equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required under the permit; and

012.02D Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

012.03 A schedule of compliance consistent with Chapter 7, section 006.02H.

012.04 Progress reports consistent with an applicable schedule of compliance in Chapter 7, section 006.02H to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the Director. Such progress reports shall contain the following:

012.04A Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and

012.04B An explanation of why any dates in the schedule of compliance were not met, or will not be met, and any preventive or corrective measures adopted.

012.05 Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

012.05A The frequency, not less than annually or such more frequent periods as specified in the applicable requirement or by the Department, of submissions of compliance certifications;

012.05B In accordance with 004 above, a means of monitoring the compliance of

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the source with its emissions limitations, standards and work practices;

012.05C A requirement that the compliance certification include the following:

012.05C1. The identification of each term or condition of the permit that is the basis of the certification;

012.05C2. The compliance status;

012.05C3. A determination of whether compliance was continuous or intermittent;

012.05C4. The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with 004 above; and

012.05C5. Such other facts as the Department may require to determine the compliance status of the source;

012.05D A requirement that all compliance certifications be submitted to the Administrator as well as to the Department; and

012.05E Such additional requirements as may be specified pursuant to this Title, the applicable Implementation Plan, or any permit issued under this Title.

013 The Director may place such conditions and restrictions upon a permit issued or renewed under this Title as he or she deems necessary to protect public health or the environment. Such conditions or restrictions may be placed upon the permit at the time it is issued, modified, or renewed. By way of example, and not of limitation, such conditions or restrictions may be new federal applicable requirements not yet adopted by the Council.

014 Permit Shield for Class I Permits.

014.01 If requested in the permit application, the permit shield provided in this section shall be included in the permit.

014.02 The permit shield shall provide that compliance with a permit during its term constitutes compliance with all applicable requirements identified pursuant to Chapter 7 of this Title as of the date of permit issuance, provided that:

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014.02A Such applicable requirements are included and specifically identified in the permit; or

014.02B The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination.

014.03 The permit shield does not affect:

014.03A The emergency provisions of Neb. Rev. Stat. §81-1507 of the State Act;

014.03B Liability for any violation of applicable requirements or applicable requirements under the Act prior to or at the time of permit issuance;

014.03C The applicable requirements of Chapter 26;

014.03D The authority of the Department or EPA to obtain information; or

014.03E Any other permit provisions, terms, or conditions, including, but not limited to, construction permits issued pursuant to Chapter 17 or permits issued pursuant to other State authorities and Titles.

014.04 A Class I permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

015 Each Class II operating permit shall include those requirements applicable to Class II sources and any additional requirements which the Director deems appropriate, including but not limited to, the following:

015.01 Emissions limitations and standards which are at least as stringent as any applicable requirement or other requirements contained in the State Implementation Plan.

015.02 Monitoring and related recordkeeping and reporting requirements.

015.03 Compliance certification, testing, monitoring, reporting, and recordkeeping requirements.

016 All terms and conditions in a Class I or Class II operating permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator of EPA and

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citizens under the Act except those terms and conditions which have been specifically designated as not federally enforceable under 017 below.

017 Each Class I permit shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.

018 If an applicable requirement provides for the trading of increases and decreases of emissions without a case-by-case approval of each emissions trade, and if requested by the applicant in its permit application, the Director shall establish terms and conditions for the trading of such emissions increases and decreases within the permitted facility. Such terms and conditions shall include all terms required by this Title to determine compliance and must meet all terms specified in the applicable requirement which allows such trading.

019 If an applicant requests in its application, the Director shall establish terms and conditions in the permit allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. Emissions from emissions units which are not quantifiable and for which there are no replicable procedures shall not be included in any trades. The permit shall also require compliance with all applicable requirements.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 8, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Department of Environmental Quality

Chapter 9 - GENERAL PERMITS

001 If the Director determines that numerous similar sources are subject to identical regulatory requirements, the Director may issue a general permit following the procedures specified in this Chapter and the applicable procedures of Chapters 13, 14, and 17. The Director shall not issue general permits for affected sources under the acid rain program.

002 If the Director, in his or her discretion, determines a general permit is appropriate, he or she shall initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for the general permit. The notice shall be published in a newspaper with statewide circulation and shall announce the availability of a draft general permit for public review and comment for thirty (30) days.

003 The public notice of the draft general permit shall contain:

003.01 Name, address, and telephone number of the Department;

003.02 A brief description of the activities and/or operations addressed by the permit;

003.03 A statement of the criteria for sources that qualify for the permit;

003.04 A brief description of the comment procedures and the time and place of any hearing if already scheduled, including the procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final general permit decision; and

003.05 The name, address, and telephone number of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents.

004 Any interested person shall have thirty (30) days from issuance of the public notice within which to provide the Director with any written comments concerning the draft general permit or request a public hearing in writing. The Director may extend the thirty (30) day period.

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005 If any information or public comment is received during the comment period which appears to raise substantial issues concerning the draft general permit, the Director may formulate a new draft general permit which supersedes the original draft general permit and may, if necessary, republish the public notice pursuant to Chapter 14.

006 Following the close of the public comment period and any public hearing, the Director may issue a general permit.

006.01 For a general operating permit, the Director shall include:

006.01A all applicable requirements pertinent to Class I operating permits, if the source category includes Class I sources; or

006.01B all applicable requirements pertinent to Class II operating permits, if the source category includes Class II sources.

006.02 For a general construction permit, the Director shall include any stationary source or emission unit such that there is a net increase in potential emissions at the stationary source equal to or exceeding the levels identified in Chapter 17.

007 The owner of a source that qualifies for a general permit must apply to the Department for coverage under the terms of the applicable general permit. Each application shall include all information necessary to determine qualification for, and to assure compliance with, the applicable general permit. The Department may request additional information as necessary. The owner of a source must apply by:

007.01 submitting an application in accordance with Chapter 7 for a general operating permit; or

007.02 submitting an application, along with the appropriate application fee in accordance with Chapter 17, for a general construction permit.

008 The Director shall notify the applicant of the final determination whether the source qualifies and is covered under the general permit or not. If the Director denies coverage of the source under the general permit, the applicant may request an adjudicative hearing in accordance with the procedures established in Title 115, Rules of Practice and Procedure.

009 The Director may issue coverage under a general permit to an individual source without repeating the notice and comment procedures required under sections 001 through 006 of this Chapter. The Department shall maintain a list of all sources covered by general permits, which list shall be available for public review.

010 The owner of a source that obtains a general permit shall be subject to enforcement action for operation without a Class I or Class II operating permit or a construction permit if the source is later determined not to qualify for the terms and

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conditions of the general permit.

011 If some, but not all of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the owner may apply for coverage under one or more general permits for the operations, activities, and emissions that are so eligible. If a permit is required under Chapter 5 or Chapter 17 to address the remainder of operations, activities, and emissions at a source, the owner may apply for a permit, or register for coverage under a permit-by-rule for any facilities for which such permit-by-rule is available and approvable, that addresses those items not covered by general permits. In such a case, the permit applicant must identify all operations, activities, and emissions that are subject to general permits or permits-by-rule. The Class I or Class II operating permit or construction permit shall identify any general permits or permits-by-rule which have been issued or approved.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 9, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 10 - OPERATING PERMITS FOR TEMPORARY SOURCES

001 Except as provided in 004 of this Chapter, the Director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit subject to Department approval. No affected source shall be permitted as a temporary source.

002 Class I or Class II operating permits for temporary sources shall include the requirements specified in Chapter 8 and the following:

002.01 Conditions that will assure compliance with all applicable requirements and ambient air quality standards established in Chapter 4 at all authorized locations; and

002.02 Requirements that the owner or operator notify the Director at least 20 days in advance of each change in location by providing the following information:

002.02A A specific description of the source, including SIC code;

002.02B A legal description of the proposed new location;

002.02C The anticipated dates of operation at the new proposed location;

002.02D A description of site location, adjacent surroundings, including proximity to occupied buildings;

002.02E A contact person for the source;

002.02F The signature of a responsible official certifying the information contained in the notification; and

002.02G A source number as assigned by the Department.

003 The Director may disapprove a new proposed location for a temporary source if operation in the new location would cause or contribute to a violation of standards or otherwise adversely affect human health or the environment.

004 In the case of temporary activities initiated to maintain or restore electrical power supply or

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prevent imminent power loss, the provisions of either 004.01 or 004.02 shall apply, as appropriate. Units complying with this section are exempt from all other provisions of this chapter.

004.01 Temporary power generation units maintained within the state must be covered by an operating permit which identifies them as temporary units, specifies their rating, fuel supply, non-working location, and routine operating practices, and establishes notification procedures for such activities.

004.02 The owners or operators of temporary power generation units which are maintained outside the state must notify the Department prior to bringing them into the state according to the following schedule:

004.02A In the case of a power loss or threat of imminent power loss, within 24 hours of dispatch;

004.02B In the case of maintenance activities, 20 days prior to dispatch, unless another notification schedule is established with the Department.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 10, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 11 - OPERATING PERMITS - EMERGENCY; DEFENSE

001 For the purposes of a Class I or Class II operating permit, an "emergency" means any situation arising from sudden, unavoidable, and reasonably unforeseeable events beyond the control of the source, including acts of God, which requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

002 An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of 003 below are met.

003 The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

003.01 An emergency occurred and that the permittee can identify the cause(s) of the emergency;

003.02 The permitted facility was at the time being properly operated;

003.03 During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

003.04 The permittee submitted notice of the emergency to the Department within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

004 In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

005 This provision is in addition to any emergency or upset provision contained in any applicable requirement.

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Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 11, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 12 - OPERATING PERMIT RENEWAL AND EXPIRATION

001 Class I or Class II operating permits being renewed are subject to the same procedural requirements, including those for public participation, that apply to initial permit issuance.

002 Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with Chapter 7, sections 002 and 003.

003 The conditions of an expired permit shall continue until the effective date of a new permit provided the permittee has complied with Chapter 8, 003.03, or until the application for a permit is denied. If the Director determines that any of the following are true, the application for permit renewal will be denied.

003.01 The permittee is not in substantial compliance with the terms and conditions of the expired permit or with a stipulation, agreement, or compliance schedule designed to bring the permittee into compliance with the permit;

003.02 The Department, as a result of an action or failure to act on the part of the permittee, has been unable to take final action on the application on or before the expiration date of the permit; or

003.03 The permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of the deficiencies.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 12, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 13 - CLASS I OPERATING PERMIT - EPA REVIEW; AFFECTED STATES REVIEW; CLASS II PERMIT

001 Unless the Administrator waives or modifies this requirement, the Department shall provide to the Administrator of EPA a copy of each Class I permit application or modification, each proposed Class I permit, and each final Class I permit. The Department may require the permit applicant to provide a copy of the permit application, including the compliance plan, directly to the Administrator of EPA.

002 The Department shall give notice of each draft Class I permit to any affected state on or before the time that the Department provides notice to the public. The Department shall notify the Administrator of EPA and any affected State in writing of the reasons for any refusal by the Department to accept all recommendations for the proposed permit that the affected State submitted.

003 The Department shall not issue a Class I permit if the Administrator of EPA objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

004 If the Administrator of EPA objects to a Class I permit as a result of a petition for review filed pursuant to Section 505(b)(2) of the Act, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review shall not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45 day EPA review period and prior to an EPA objection.

005 If the Department has issued a Class I permit to which EPA objects as a result of a petition for review filed pursuant to Section 505(b)(2) of the Act, the permit may be reopened in accordance with the procedures in Chapter 15, section 006.

006 Prohibition on Default Issuance.

006.01 Notwithstanding the time period specified in Chapter 7, section 009, no Class I operating permit, including a permit renewal or revision, shall be issued until:

006.01A Affected States and the Administrator have had an opportunity to review the proposed permit.

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006.01B The Director has acted on the application.

006.02 No Class II operating permit, including a permit renewal or revision, shall be issued until the Director has acted on the application.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 13, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 14 - PERMITS - PUBLIC PARTICIPATION

001 Scope. Except for modifications qualifying for administrative or minor permit revision procedures in Chapter 15, all Class I and Class II operating permit proceedings, including initial permit issuance, significant modifications, and renewals, and unless otherwise provided by rule, all construction permits, shall provide for public notice, an opportunity for comment, and a hearing, if requested, on the draft permit in accordance with the procedures of this Chapter. Sections 002 through 009 are to be followed for all permits except PSD permits. Section 010 is to be followed for PSD permits.

002 Notice shall be given by publication in a newspaper of general circulation in the area where the source is located and by mailing to EPA and persons on a mailing list developed by the Department, including those persons who request in writing to be on the mailing list; and by other means, if necessary, to assure adequate notice to the affected public.

003 The notice shall contain the following:

003.01 The identity of the affected facility;

003.02 The name and address of the permittee;

003.03 The name, address, and telephone number of the Department;

003.04 The activity or activities involved in the permit action;

003.05 The emissions change involved in any permit modification;

003.06 The name, address, and telephone number of the person from whom interested persons may obtain additional information;

003.07 The location where copies of the draft permit, the application, draft permit revision, and other materials deemed relevant by the Department to the permit decision, may be reviewed; and

003.08 A brief description of the comment procedures and the time and place of any hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.

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004 Persons or groups shall have 30 days from issuance of public notice to provide the Director with any written comments concerning the proposed permit action for which the public notice has been issued and/or request a public hearing in writing in accordance with 005 below. Such 30 day comment period may be extended by the Director.

005 Public Hearings.

005.01 The applicant, any affected State, any interstate agency, the Administrator, or any interested agency, person, or group, may request or petition the Director, in writing, within the 30 day comment period of the public notice, for a public hearing, and state the nature of the issues to be raised and all arguments and factual grounds supporting their position.

005.02 The Director may hold a public hearing if the comments, requests, or petitions raise legal, policy or discretionary questions of general application not pertaining solely to a particular party and significant public interest exists with respect to the application.

006 Public notice of hearing. In addition to the public notice described in 003 above, the public notice of a hearing under 005 shall be published at least 30 days prior to the hearing in accordance with 002 and shall contain the following information:

006.01 Reference to the date of the previous notices relating to the permit;

006.02 Date, time, and place of hearing;

006.03 A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

006.04 A concise statement of the issues raised.

007 Adjudicative Hearing.

007.01 Any interested person may petition the Director for an adjudicative hearing in accordance with the Department's Title 115-Rules of Practice and Procedure.

007.02 Title 115 shall govern any adjudicative hearing requested under 007.01.

008 At the time that any final permit decision is issued, the Department shall issue a response to significant comments received during the comment period and public hearing. The response to

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comments shall be made available to the public.

009 The Department shall make and keep a record of the commenters and of the issues raised during the public participation process. This record shall be made available to the Administrator of EPA in fulfillment of his or her obligation under Section 505(b)(2) of the Act to determine whether a citizen petition may be granted. Such record shall also be available to the public.

010 Public participation in PSD permit applications. Within one year after receipt of a complete application, as described in section 023 of Chapter 19, the Department shall

010.01 Make available in at least one location in each region in which the proposed source would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

010.02 Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and of the opportunity for comment at a public hearing as well as written public comment.

010.03 Send a copy of the notice of public comment to the applicant, the Administrator and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: Any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the source or modification.

010.04 Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations.

010.05 Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or

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modification.

010.06 Make a final determination whether construction should be approved, approved with conditions, or disapproved.

010.07 Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relation to the source.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 14, Nebraska Department of Environmental Quality

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Chapter 15 – PERMIT REVISIONS; REOPENING FOR CAUSE

001 Administrative permit amendments.

001.01 An "administrative permit amendment" is a permit revision that:

001.01A Corrects typographical errors;

001.01B Identifies a change in the name, address, or telephone number of any person identified in the permit, provided that the owner or operator of the source is not changed;

001.01C Requires more frequent monitoring or reporting by the permittee;

001.01D Allows for a change in ownership or operational control of a source where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department; or

001.01E For PAL permits only, corrects both typographical and calculation errors.

001.02 A permittee may request the Department to make an administrative permit amendment in writing by specifying the section of the permit that is to be changed and the reason for the change.

001.03 The source may implement the changes addressed in the request immediately upon submittal of the request, subject to the Department's final action on the request under 001.04.

001.04 The Department shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes into the permit without providing notice to the public, EPA, or affected States.

001.05 For Class I and PSD construction permits only, the Department shall submit a copy of the revised permit to the Administrator of EPA.

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001.06 If the Department determines that the permittee's request for an administrative permit amendment should be handled as a minor revision or other permit revision, the Department shall notify the permittee of this determination and proceed with such revision pursuant to the applicable procedures.

001.07 The permit shield described in Chapter 8, section 014, shall not apply to administrative permit amendments.

002 Permit revisions to the acid rain portion of a Class I permit shall be governed by Chapter 26.

003 Minor Permit Revisions

003.01 The minor permit revision procedures of this section may be used only for those operating permit revisions that:

003.01A Do not violate any applicable requirement or applicable requirement under the Act;

003.01B Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

003.01C Do not require or change a case-by-case determination of an emission limitation or other standard, including a BACT or MACT determination or a plantwide applicability limitation (PAL), or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

003.01D Do not seek to establish or change a permit term or condition for which there is no corresponding applicable requirement or applicable requirement under the Act and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

003.01D1 A federally enforceable emissions cap assumed to avoid classification as a modification under Chapters 18, 23, 27, or 28; and

003.01D2 An alternative emissions limit approved pursuant to Chapters 27 or 28;

003.01E Do not relate to a change within a permitted facility that:

003.01E1 Is defined as a modification under Chapters 18, 23, 27, or 28;

003.01E2 Requires a construction permit under Chapter 17 or Chapter 19.

003.01F Is not required by the Director to be processed as a significant revision; and

003.01G Involve the use of economic incentives, marketable permits, emissions trading, and other similar programs or procedures provided that such minor permit revision procedures are explicitly allowed for in an applicable State implementation plan or in an applicable requirement or applicable requirement under the Act.

003.02 The minor permit revision procedures of this section may be used for construction permit revisions provided the following conditions are met:

003.02A No emission limit in the original construction permit is exceeded.

003.02B No applicable requirement included in an operating permit to which the source is subject is violated.

003.02C No emissions limit, equipment or operational standard applicable to the source will be exceeded.

003.02D No emissions limit, equipment or operational standard assumed to avoid a classification that would render the source subject to an otherwise applicable requirement will be exceeded; and

003.02E The nature of the constructed facility will be consistent with that described in the original public notice materials.

003.03 A permittee may request a minor permit revision by submitting a request to the Department in writing that includes the following:

003.03A A description of the change, the emissions resulting from the change, and any new applicable requirements or applicable requirements under the Act that will apply if the change occurs;

003.03B The source's suggested draft permit language.

003.03C Certification by a responsible official, in accordance with Chapter 7, section 008, for operating permits or Chapter 17, section 004 for construction permits, that the proposed revision meets the criteria in section 003.01 or 003.02 above for use of minor revision procedures and a request that such procedures be used;

003.03D For Class I operating permit revisions only, one (1) original and one (1) copy of the completed applications and information identified in 003.03A through 003.03C above for use by the Department to notify the Administrator of EPA and affected States.

003.04 For Class I operating permit revisions only, within five working days of receipt of a complete minor permit revision application, the Department shall notify the Administrator of EPA and affected States of the requested permit revision.

003.04A Affected States shall have 30 days to review and provide comments on the complete permit revision application. The Department shall provide notice to the Administrator of EPA and any affected State in writing of any refusal by the Department to accept all recommendations that the affected State has submitted.

003.04B EPA shall have 45 days to review and comment on the complete permit revision application. The Department shall not issue a final permit revision until after EPA's 45 day review period or until EPA has notified the Department that EPA will not object to issuance of the permit revision, whichever is first.

003.05 Within 90 days of the Department's receipt of an application under the minor permit revision procedures or 15 days after the end of EPA's 45 day review period, whichever is later, the Department shall:

003.05A Issue the permit revision as proposed;

003.05B Deny the permit revision application;

003.05C Determine that the requested revision does not meet the minor permit revision criteria in 003.01 or 003.02 above and should be reviewed under the significant revision procedures; or

003.05D For Class I operating permits only, revise the draft permit revision and transmit the new proposed permit revision to EPA for review as required in 003.04B above.

003.06 A source submitting a complete minor operating permit revision request may immediately make the proposed change after it submits the application unless notified by the Department that the request does not qualify as a minor permit revision. After the source makes the change, and until the Department takes action under 003.05A through 003.05C above, the source must comply with both the applicable requirements and applicable requirements under the Act governing the change and the proposed permit terms and conditions. If the source fails to comply with its proposed permit terms and conditions during this interim period, the existing permit terms and conditions the source seeks to revise may be enforced and such failure to comply shall be cause for denial of the minor permit revision request.

003.07 The permit shield described in Chapter 8, 014, shall not apply to a minor permit revision.

004 Group processing of minor operating permit revisions.

004.01 The Director, at his or her discretion, may modify the minor permit revision procedures in 003 above to process groups of a source's applications for certain revisions eligible for minor permit revision procedures.

004.02 Group processing of revisions may only be used for those permit revisions:

004.02A That meet the criteria for minor permit revision procedures under 003 above; and

004.02B That collectively are below the following threshold level: 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source for purposes of Class I permitting, or five tons per year, whichever is less.

004.03 A permittee may request the use of group processing procedures in this section by submitting the application forms for a Class I or Class II operating permit, identified in 003.03, and shall include the following:

004.03A A description of the change, the emissions resulting from the change, and any new applicable requirements or applicable requirements under the Act that will apply if the change occurs;

004.03B The source's suggested draft permit language;

004.03C Certification by a responsible official, in accordance with Chapter 7, section 008, that the proposed revision meets the criteria for use of group processing procedures and a request that such procedures be used;

004.03D A list of the source's other pending applications awaiting group processing, and a determination of whether the requested revision, aggregated with these other applications, equals or exceeds the threshold set under 004.02B above;

004.03E For Class I permit revisions only, one (1) original and (1) copy of completed forms for use by the Department to notify the Administrator of EPA and affected States.

004.03E1 Within five (5) working days of receipt of a complete application for the group processing of a source's minor permit revision requests, the Department shall notify the Administrator of EPA and affected States of the request for group processing.

004.03E2 Affected States shall have 30 days to review and comment on the request. The Department shall notify EPA and any affected State in writing of any refusal by the Department to accept all recommendations for the proposed permit revision that the affected State has submitted.

004.03E3 EPA shall have 45 days to review and comment on requests for group processing of minor permit revisions. The Department shall not issue a final permit revision until after EPA's 45 day review period or until EPA has notified the Department that EPA will not object to issuance of the permit revision, whichever is first.

004.04 Within 180 days of receipt of the application for group processing of minor permit revisions or 15 days after the end of the EPA's 45 day review period, whichever is later, the Director shall:

004.04A Issue the permit revision as proposed;

004.04B Deny the permit revision application;

004.04C Determine that the requested permit revision does not meet the criteria for group processing in 004.02 and should be reviewed under the significant revision procedures; or

004.04D Revise the draft permit revision and, for Class I operating permit revisions only, transmit to the Administrator of EPA the new proposed Class I permit revision as required by 004.03E3 above.

004.05 A source submitting a complete request for group processing of minor permit revisions may make the change proposed immediately after it files the application unless notified by the Department that the request does not qualify as a minor permit revision. After the source makes the change, and until the Department takes action under 004.04A through 004.04C above, the source must comply with both the applicable requirements and applicable requirements under the Act governing the change and the proposed permit terms and conditions. If the source fails to comply with its proposed permit terms and conditions during this interim period, the existing permit terms and conditions the source seeks to revise may be enforced and such failure to comply shall be cause for denial of the minor permit revision request.

004.06 The permit shield described in Chapter 8, section 014, shall not apply to group processed minor permit revisions.

005 Significant Permit Revisions.

005.01 A "significant permit revision" is any revision or change to a permit that

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cannot be accomplished as an administrative permit amendment or as a minor permit revision. Any relaxation in existing monitoring, reporting, or recordkeeping shall be considered significant.

005.02 A permittee may request a significant permit revision by submitting the application forms and information in accordance with Chapter 7 for operating permit revisions or Chapter 17, section 014, for construction permit revisions.

005.03 The Department shall review an application for a significant permit revision following the applicable procedures for permit issuance, including public participation, EPA and affected States review.

005.04 For operating permits only, the permit shield described in Chapter 8, section 014, shall apply to a significant permit revision only after the Director approves the permit revision, provided that the permit contains a permit shield.

006 Reopening for cause; revocation and reissuance; and termination.

006.01 Any operating or construction permit issued by the Director shall be reopened, revoked and reissued or terminated, during its term for cause, including but not limited to:

006.01A Additional applicable requirements under the Act or the State Act become applicable to a source holding a Class I or Class II operating permit with a remaining permit term of 3 or more years. Such reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended.

006.01B Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program under Chapter 26.

006.01C The Director, or the Administrator of EPA determines that the permit must be revoked and reissued to assure compliance with the applicable requirements.

006.01D The Director, or the Administrator of EPA, determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

006.01E The Director, or the Administrator of EPA, determines that an applicable requirement or applicable requirement under the Act applies which was not identified by the permittee in its application.

006.02 A permit may be revoked during its term for cause, including but not limited to:

006.02A The existence at the source of unresolved noncompliance with applicable requirements or a term or condition of the permit, and refusal of the permittee to agree to an enforceable schedule of compliance to resolve the noncompliance;

006.02B The permittee has falsely certified or submitted false, incomplete, or misleading information to the Department or EPA;

006.02C The Director determines that the permitted source or activity endangers human health or the environment and that the danger cannot be removed by a revision of the permit; or

006.02D The permittee has failed to pay a penalty owed pursuant to a court order, stipulation and agreement, or an order issued by the Administrator of EPA.

006.03 The Department shall initiate a reopening or revocation under 006.01 or 006.02 above by providing a notice of intent to the permittee 30 days in advance of the date that the permit is to be reopened, unless the Director determines that an emergency exists which necessitates a shorter time period. Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

006.04 If the Department receives a notification from the Administrator of EPA that a Class I operating permit should be reopened for cause pursuant to this section, the Department shall, within 90 days of receipt of such notification, forward to EPA a proposed determination of revision, or revocation and reissuance, as appropriate.

006.05 If the Administrator of EPA does not object to the Department's determination under 006.04 above within 90 days, the Department shall proceed as indicated.

006.06 If the Administrator of EPA objects to the Department's determination to revise, revoke, or reissue the permit under 006.04 above within 90 days, the Department shall have an additional 90 days from receipt of EPA's objection during which the Department may take the action to terminate, revise, or revoke and reissue the permit in accordance with the EPA's objection.

006.07 If the Department fails to take action as stated in any EPA objection under 006.06, the permit may be subject to action by the Administrator of EPA.

007 Changes allowed for Class I and Class II operating permits only:

007.01 A permittee may make the following changes within a permitted facility without a permit revision, if: the change is not a modification under Chapters 18, 23, 27, or 28; the change does not require a construction permit under Chapters 17 or 19; and the change does not result in the emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions) being exceeded, provided that the facility provides the Director with written notification a minimum of seven (7) days in advance of the proposed changes, unless the Director determines a shorter timeframe is necessary for emergency reasons. The permit shield described in Chapter 8, section 014, shall not apply to any change made under this section.

007.01A Changes in the configuration of the facility's equipment, defined as "Section 502(b) (10) changes" in Chapter 1, provided that the written notification required by 007.01 above includes:

007.01A1 A brief description of the change within the permitted facility;

007.01A2 The date on which the change will occur;

007.01A3 Any change in emissions; and,

007.01A4 Any permit term or condition that is no longer applicable as a result of the change.

007.01B Trading of increases and decreases in emissions in the permitted facility, where the applicable implementation plan provides for such emissions trades without requiring a permit revision, provided that the written notification required in 007.01 above includes such information as may be required by the provision in the applicable implementation plan authorizing the emissions trade, including at a minimum:

007.01B1 When the proposed change will occur;

007.01B2 A description of each such change;

007.01B3 Any change in emissions;

007.01B4 The regulatory provisions and permit requirements with which the source will comply using the emissions trading provisions of the applicable implementation plan; and,

007.01B5 The pollutants emitted subject to the emissions trade.

007.01C Trading of emissions increases and decreases in the permitted

facility solely for the purpose of complying with a federally-enforceable emissions cap that has been established in the permit pursuant to Chapter 8, section 019, provided that the written notification required above shall include:

007.01C1 When the change will occur,

007.01C2 A description of the changes in emissions that will result, and

007.01C3 How these increases and decreases in emissions will comply with the terms and conditions of the permit.

007.01D For Class I sources, the written notifications above shall also be submitted to the Administrator of EPA.

007.01E Notwithstanding any other part of this rule, the director may, upon review of a notice submitted in accordance with 007.01, require a source to apply for an operating permit if the change does not meet the requirements of section 007.01.

007.02 A permittee may make changes within a permitted facility without a permit revision, if the change is not: a modification under Chapters 18, 23, 27, or 28; the change is not a change which would require a construction permit under Chapters 17 or 19, provided that:

007.02A Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition;

007.02B The source shall provide contemporaneous written notice to the Director of each such change, except for changes that qualify as insignificant activities under the provisions of Chapter 7, sections 006.03 and 006.04. Such written notice shall describe each change; include the date the change will be made; describe any change in emissions; list the pollutants emitted; and list any applicable requirement that would apply as a result of the change, including terms and conditions established in the relevant operating permit for synthetic minor purposes;

007.02B1 For Class I sources, the written notice required above shall also be provided contemporaneously to the Administrator of EPA.

007.02C Any change under section 007.02 shall not qualify for a permit shield under Chapter 8, section 014; and,

007.02D The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an

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applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

007.02E Notwithstanding any other part of this rule, the director may, upon review of a notice submitted in accordance with 007.02B, require a source to apply for an operating permit if the change does not meet the requirements of section 007.02.

008 No permit revision shall be required, under any State-approved programs providing for economic incentives, marketable permits, emissions trading or other similar programs or processes for change that are provided for in the permit.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 15, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 16 - STACK HEIGHTS; GOOD ENGINEERING PRACTICE (GEP)

001 The degree of emission limitation required of any source for control of any air pollutant shall not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided 002.

002 The provisions of 001 shall not apply to:

002.01 Stack heights in existence, or dispersion techniques implemented prior to December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed or reconstructed, or for which major modifications were carried out after December 31, 1970; or

002.02 Coal-fired steam electric generating units, subject to the provisions of Section 118 of the Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

003 No emission limitation will be established, or permit to construct or modify issued, involving any dispersion technique, unless approved by the Council following public hearing noticed at least 30 days in advance. The public notice will announce the availability of any fluid model or field study demonstration.

004 For purposes of this chapter, the definitions and specifications in sections 005 through 008 apply.

005 "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The preceding sentence does not include:

005.01 The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

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005.02 The use of smoke management in agricultural or silvicultural prescribed burning;

005.03 The merging of exhaust gas streams where:

005.03A The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

005.03B After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

005.03C Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Director shall deny credit for the effects of such merging in calculating the allowable emissions for the source.

005.04 Episodic restrictions on residential woodburning and open burning;

005.05 Techniques such as manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams, which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

006 "Excessive concentrations" for the purpose of determining good engineering practice stack height under section 007.04 below mean:

006.01 For sources seeking credit for stack height exceeding that established under section 007.02 and 007.03 below, a maximum ground-level concentration due to emissions

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from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program (40 CFR 51.166 and 52.21), an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this part shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator.

006.02 For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under sections 007.02 and 007.03 below, either a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in section 006.01 above, except that the emission rate specified by any applicable State implementation plan (or, in the absence of such a limit, the actual emission rate) shall be used, or the actual presence of a local nuisance caused by the existing stack, as determined by the Director.

006.03 For sources seeking credit after January 12, 1979 for a stack height determined under sections 007.02 and 007.03 below where the Director requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984 based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the equations in sections 007.02 and 007.03, a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

007 "Good Engineering Practice (GEP) Stack Height" means the greater of:

007.01 Sixty-five (65) meters;

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007.02 For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required,

$H_g = 2.5H$, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limit, where:

H_g = good engineering practice stack height measured from the ground level elevation at the base of the stack.

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.

007.03 For all other stacks, $H_g = H + 1.5L$, where:

H_g = good engineering practice stack height measured from the ground level elevation at the base of the stack.

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.

L = lesser dimension (height or projected width) of nearby structure(s).

provided that the Director may require the use of a field study or fluid model to verify GEP stack height for the source; or

007.04 The height demonstrated by a fluid model or a field study approved by the Director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

008 "Nearby" means, as pertains to Good Engineering Practice Stack Height:

008.01 That distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile), and

008.02 For conducting demonstrations under section 007.04 above that distance not greater than 0.8 km (1/2 mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum

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height (H_T) of the feature, not to exceed 2 miles if such feature achieves a height (H_T) 0.8 km from the stack that is at least 40 percent of the GEP stack height determined by the formula provided in section 007.03 above or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 16, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Department of Environmental Quality

Chapter 17 - CONSTRUCTION PERMITS - WHEN REQUIRED

001 Except as provided under section 014 of this chapter or Chapter 19 or 42 of Title 129, no person shall cause the construction, reconstruction, or modification at any of the following without first having obtained a construction permit from the Department in the manner prescribed by this Chapter:

001.01 Any stationary source or emission unit, such that there is a net increase in potential emissions at the stationary source equal to or exceeding the following levels:

001.01A Fifteen (15) tons/year of PM₁₀ emissions.

001.01B Ten (10) tons/year of PM_{2.5} emissions.

001.01C Forty (40) tons/year of sulfur dioxide (SO₂) or sulfur trioxide (SO₃), or any combination of the two.

001.01D Forty (40) tons/year of oxides of nitrogen (calculated as NO₂).

001.01E Forty (40) tons/year of volatile organic compounds (VOC).

001.01~~E~~F Fifty (50) tons/year of carbon monoxide (CO).

001.01G Six-tenths (0.6) tons/year of lead.

001.01H Two and one-half (2.5) tons/year of any hazardous air pollutant or an aggregate of ten (10) tons/year of any hazardous air pollutants, including all associated fugitive emissions (see Chapter 27, section 003).

001.02 When determining applicability under 001.01 above, sources in the following source categories must include fugitive emissions:

001.02A Coal cleaning plants (with thermal dryers);

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- 001.02B Kraft pulp mills;
- 001.02C Portland cement plants;
- 001.02D Primary zinc smelters;
- 001.02E Iron and steel mills;
- 001.02F Primary aluminum ore reduction plants;
- 001.02G Primary copper smelters;
- 001.02H Municipal incinerators capable of charging more than 250 tons of refuse per day;
- 001.02I Hydrofluoric, sulfuric, or nitric acid plants;
- 001.02J Petroleum refineries;
- 001.02K Lime plants;
- 001.02L Phosphate rock processing plants;
- 001.02M Coke oven batteries;
- 001.02N Sulfur recovery plants;
- 001.02O Carbon black plants (furnace process);
- 001.02P Primary lead smelters;
- 001.02Q Fuel conversion plants;
- 001.02R Sintering plants;
- 001.02S Secondary metal production plants;

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001.02T Chemical process plants— The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140;

001.02U Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hours heat input;

001.02V Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

001.02W Taconite ore processing plants;

001.02X Glass fiber processing plants;

001.02Y Charcoal production plants;

001.02Z Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

001.02AA Any other stationary source category which is being regulated by a standard promulgated under Section 111 or 112 of the Act as of August 7, 1980.

001.03 Any incinerator used for refuse disposal or for the processing of salvageable materials except refuse incinerators located on residential premises containing five or less dwelling units used only for the disposal of residential waste generated on the said property.

002 The standards which would have been imposed under a construction permit are applicable to those sources who have failed to obtain a permit to the same extent as if a permit had been obtained.

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003 The owner or operator of any source required to obtain a construction permit or requesting permit applicability under this Chapter, or submitting a significant permit revision, shall submit an application on forms provided by the Department.

003.01 Application Fee. Each application for a construction permit shall be accompanied by a non-refundable fee. The amount of the fee will be based on the amount of pollutants (including fugitive emissions) the entire source will directly emit or have the potential to emit, as follows:

| Directly Emit or Have Potential to Emit: | Fee |
|--|---------|
| Less than 50 tons per year of any listed air pollutant; or Less than 2.5 tons per year of any single HAP; or Less than 10 tons per year of any combination of HAPs | \$250 |
| 50 tons or more but less than 100 tons per year of any listed air pollutant; or 2.5 tons or more but less than 10 tons per year of any single HAPs; or 10 tons or more but less than 25 tons per year of any combination of HAPs | \$1,500 |
| 100 tons or more per year of any listed air pollutant; or 10 tons or more per year of any single HAP; or 25 tons or more per year of any combination of HAPs | \$3,000 |

003.02 Listed air pollutants for application fee purposes include PM₁₀, SO₂ or SO₃ or any combination of the two, NO_x, VOC, and CO.

004 An application will be deemed complete if it provides all the information required and is sufficient to evaluate the subject source and to determine all applicable requirements. The application shall be certified by a responsible official for the source.

005 If the Department determines that the application is not complete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response.

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006 Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

007 The Department shall require in the application information as necessary to determine if the new or modified source will interfere directly or indirectly with the attainment or maintenance of National Primary and Secondary Ambient Air Quality Standards, or violate any portion of an existing control strategy.

008 If an air quality impact analysis is deemed necessary by the Director as a part of a construction permit application, concentrations of pollutants that may be expected to occur in the vicinity of a source or combination of sources will be determined by use of an air pollution dispersion model acceptable to the Director. Meteorological and operating conditions that may occur that will produce the greatest concentrations of the pollutants emitted shall be used in evaluating the effect of the source(s) on air quality.

009 Disapproval of Application for Permits.

009.01 If it is determined by the Director that emissions resulting from the operation of a source to be constructed or modified will violate any portion of these rules and regulations, violate any applicable federal air quality regulation, or interfere with attainment or maintenance of a National Ambient Air Quality Standard, no permit will be granted until necessary changes are made in the plans and specifications to obviate the objections to issuance.

009.02 A construction permit will not be issued for any major source or major modification when such source or modification would cause or contribute to a violation of a national ambient air quality standard by exceeding, at a minimum, the following significant levels at any locality that does not or would not meet the applicable national standard:

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| Pollutant | Averaging period | | | | |
|-------------------|------------------------------|------------------------------|----------------------------|-----------------------------|--------------------------|
| | Annual | 24 hour | 8 hour | 3 hour | 1 hour |
| SO ₂ | 1.0 $\mu\text{g}/\text{m}^3$ | 5 $\mu\text{g}/\text{m}^3$ | --- | 25 $\mu\text{g}/\text{m}^3$ | --- |
| PM ₁₀ | 1.0 $\mu\text{g}/\text{m}^3$ | 5 $\mu\text{g}/\text{m}^3$ | --- | --- | --- |
| PM _{2.5} | 0.3 $\mu\text{g}/\text{m}^3$ | 1.2 $\mu\text{g}/\text{m}^3$ | --- | --- | --- |
| NO ₂ | 1.0 $\mu\text{g}/\text{m}^3$ | --- | --- | --- | --- |
| CO | --- | --- | 0.5 mg/m^3 | --- | 2 mg/m^3 |

010 Issuance of permits. The Director shall publish notice of intent to approve or disapprove the application in accordance with the procedures of Chapter 14.

011 Approval, by issuance of a permit for any construction, reconstruction, or modification, does not relieve the owner or operator from the responsibility to comply with the applicable portions of the Implementation Plan control strategy. The permittee must comply with all conditions of the construction permit. Any permit noncompliance shall constitute a violation of the State Act and the Act, and is grounds for enforcement action or permit revocation.

012 If construction, reconstruction, or modification of the source is not commenced within 18 months, the construction permit shall lapse except upon a showing by the permittee that the complexity of the construction, reconstruction, or modification requires additional time.

013 Additional Requirements for Construction or Modification of Sources in Nonattainment Areas.

013.01 No permit to construct or modify will be issued for a proposed major source or a major modification if the source is located or is to be located in an area that is nonattainment for a pollutant for which the source or modification is major unless it is determined that:

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013.01A By the time the facility is to commence operation, total allowable emissions from the same source or existing sources in the same nonattainment area, from new sources which are not major emitting facilities, and from existing sources allowed under the Implementation Plan prior to the application for such permit to construct or modify represent a net decrease in emissions and show reasonable further progress toward attainment and maintenance of the ambient air quality standards, and provided that any emissions reductions required as a precondition of the issuance of a permit shall be federally enforceable before such permit is issued.

013.01B The proposed source is required to comply with the lowest achievable emission rate; and

013.01C The owner or operator of the proposed new or modified source has demonstrated that all other major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the State subject to emissions limitations are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.

013.01D The proposed source is in compliance with requirements established under the Implementation Plan and the State shall not issue a permit if the Administrator has determined that the applicable Implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified.

013.01E The source has completed an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

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013.02 The requirements of section 013.01A for emission reductions from existing sources in the vicinity of proposed new sources or modifications shall be determined on a case-by-case basis. The offset baseline shall be the actual emissions of the source from which offset credit is obtained.

013.03 The following shall apply to emission offsets:

013.03A If the emissions limit under these regulations allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;

013.03B For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The Director will ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches.

013.03C Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected has been notified of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed generally may not be used for emissions offset credit. However, where an applicant can establish that it shut down or curtailed production less than one year prior to the date of permit application, and the proposed new source is a replacement for the shutdown or curtailment, credit for such shutdown or curtailment may be applied to offset emissions from the new source;

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013.03D No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds". (42 FR 35314, July 8, 1977);

013.03E The procedures set out in 40 CFR Part 51, Appendix S, Section IV.D, relating to the permissible location of offsetting emissions, shall be followed, unless the Director determines that an equally stringent or more stringent procedure is appropriate.

013.03F Credit for an emissions reduction can be claimed to the extent that the Director has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR Part 51 Subpart I or in demonstrating attainment or reasonable further progress.

013.03G Emission reductions otherwise required by this Title shall not be creditable as emissions reductions for purposes of any offset.

013.04 The provisions of 013 do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

013.04A Coal cleaning plants (with thermal dryers);

013.04B Kraft pulp mills;

013.04C Portland cement plants;

013.04D Primarily zinc smelters;

013.04E Iron and steel mills;

013.04F Primary aluminum ore reduction plants;

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013.04G Primary copper smelters;

013.04H Municipal incinerators capable of charging more than 250 tons of refuse per day;

013.04I Hydrofluoric, sulfuric, or nitric acid plants;

013.04J Petroleum refineries;

013.04K Lime plants;

013.04L Phosphate rock processing plants;

013.04M Coke oven batteries;

013.04N Sulfur recovery plants;

013.04O Carbon black plants (furnace process);

013.04P Primary lead smelters;

013.04Q Fuel conversion plants;

013.04R Sintering plants;

013.04S Secondary metal production plants;

013.04T Chemical process plants; The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140;;

013.04U Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hours heat input;

013.04V Petroleum storage and transfer units with a total

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storage capacity exceeding 300,000 barrels;

013.04W Taconite ore processing plants;

013.04X Glass fiber processing plants;

013.04Y Charcoal production plants;

013.04Z Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

013.04AA Any other stationary source category which is being regulated by a standard promulgated under Section 111 or 112 of the Act as of August 7, 1980.

013.05 At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

014 Any source not required to obtain a construction permit pursuant to 001 may request a construction permit to be issued in the manner prescribed by 002 through 013 for the following purposes:

014.01 Establishing enforceable limits to avoid otherwise applicable requirements under the provisions of Title 129.

014.02 Revising existing construction permits to incorporate significant permit revisions as defined in Chapter 15.

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014.03 Establishing a PAL pursuant to the provisions of Chapter 19 of Title 129. The construction permit used to establish a PAL must include the information and conditions listed in Chapter 19, section 011.06.

014.04 Establishing a Best Available Retrofit Technology (BART) permit or other permit required to reduce visibility impairment in a Class I Federal area pursuant to the provisions of Chapter 43.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12); 81-1505.06.

Legal Citation: Title 129, Ch. 17, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 129 - Department of Environmental Quality

Chapter 18 - NEW SOURCE PERFORMANCE STANDARDS AND EMISSION LIMITS FOR EXISTING SOURCES

001 Standards of Performance for New Stationary Sources. Notwithstanding any other provisions of these regulations, the following "Standards of Performance for New Stationary Sources" published at 40 CFR Part 60, effective July 1, 2013, unless otherwise indicated are hereby adopted by reference and incorporated herein:

001.01 General Provisions – Subpart A as revised at 74 Federal Register 51368 on October 6, 2009.

001.02 Ammonium sulfate manufacture – Subpart PP

001.03 Asphalt processing and asphalt roofing manufacture – Subpart UU

001.04 Automobile and light-duty truck surface coating operations – Subpart MM

001.05 Beverage can surface coating industry – Subpart WW

001.06 Bulk gasoline terminals – Subpart XX

001.07 Calciners and dryers in mineral industries – Subpart UUU

001.08 Coal preparation plants – Subpart Y

001.09 Electric arc furnaces and argon-oxygen decarbonization vessels constructed after August 17, 1983 – Subpart AAa

001.10 Electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983 – Subpart AA

001.11 Superseded by Section 001.83

001.12 Equipment leaks of VOC from onshore natural gas processing plants – Subpart KKK

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001.13 Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after January 4, 1983 and on or before November 7, 2006 – Subpart GGG

001.14 Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after January 5, 1981 and on or before November 7, 2006 – Subpart VV

001.15 Ferroalloy production facilities – Subpart Z

001.16 Flexible vinyl and urethane coating and printing – Subpart FFF

001.17 Fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971 – Subpart D

001.18 Glass manufacturing plants – Subpart CC

001.19 Grain elevators – Subpart DD

001.20 Graphic arts industry: publication rotogravure printing – Subpart QQ

001.21 Hot mix asphalt facilities (asphalt concrete plants) – Subpart I

001.22 Industrial-commercial-institutional steam generating units – Subpart Db

001.23 Industrial surface coating: large appliances – Subpart SS

001.24 Industrial surface coating: plastic parts for business machines – Subpart TTT

001.25 Lead-acid battery manufacturing plants – Subpart KK

001.26 Lime manufacturing plants – Subpart HH

001.27 Magnetic tape coating facilities – Subpart SSS

001.28 Metal coil surface coating – Subpart TT

001.29 Metallic mineral processing plants – Subpart LL

001.30 Municipal incinerators – Subpart E

001.31 Municipal waste combusters – Subpart Ea

001.32 Nitric acid plants – Subpart G

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- 001.33 Nonmetallic mineral processing plants – Subpart OOO
- 001.34 Onshore natural gas processing; SO₂ emissions – Subpart LLL
- 001.35 Petroleum dry cleaners – Subpart JJJ
- 001.36 Petroleum refineries – Subpart J
- 001.37 Phosphate fertilizer plants – Subparts T through X
- 001.38 Phosphate rock plants – Subpart NN
- 001.39 Polymeric coating of supporting substrates facilities – Subpart VVV
- 001.40 Portland cement plants – Subpart F
- 001.41 Pressure sensitive tape and label surface coating operations – Subpart
RR
- 001.42 Primary aluminum reduction plants – Subpart S
- 001.43 Primary copper smelters – Subpart P
- 001.44 Primary emissions from basic oxygen process furnaces for which
construction is commenced after June 11, 1973 – Subpart N
- 001.45 Primary lead smelters – Subpart R
- 001.46 Primary zinc smelters – Subpart Q
- 001.47 Rubber tire manufacturing industry – Subpart BBB
- 001.48 Secondary brass and bronze production plants – Subpart M
- 001.49 Secondary emissions from basic oxygen process steelmaking facilities
for which construction commenced after January 20, 1983 – Subpart Na
- 001.50 Secondary lead smelters – Subpart L
- 001.51 Sewage treatment plants – Subpart O
- 001.52 Small industrial-commercial-institutional steam generation units-
Subpart Dc
- 001.53 Stationary gas turbines – Subpart GG

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001.54 Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978 – Subpart K

001.55 Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984 – Subpart Ka

001.56 Sulfuric acid plants – Subpart H

001.57 Surface coating of metal furniture – Subpart EE

001.58 Synthetic fiber production facilities – Subpart HHH

001.59 Volatile organic compounds (VOC) emissions from petroleum refinery wastewater systems – Subpart QQQ

001.60 Volatile organic compounds (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit process – Subpart III

001.61 Volatile organic compounds (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) distillation operations – Subpart NNN

001.62 Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 – Subpart Kb

001.63 Wool fiberglass insulation manufacturing plants constructed after February 7, 1984 – Subpart PPP

001.64 Appendices A, B, C, and F

001.65 Municipal solid waste landfills – Subpart WWW

001.66 Municipal waste combustors – Subpart Eb

001.67 Hospital/medical/infectious waste incinerators – Subpart Ec

001.68 Small municipal waste combustion units – Subpart AAAA

001.69 Superseded by Section 001.85

001.70 Volatile organic compounds (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) reactor processes – Subpart RRR

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- 001.71 New residential wood heaters – Subpart AAA
- 001.72 Volatile organic compound (VOC) emissions from the polymer manufacturing industry – Subpart DDD
- 001.73 Superseded by Section 001.86
- 001.74 Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced After December 9, 2004, or for which Modification or Reconstruction is Commenced on or After June 16, 2006 – Subpart EEEE
- 001.75 Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004 – Subpart FFFF
- 001.76 Standards of Performance for Stationary Compression Ignition Internal Combustion Engines – Subpart IIII
- 001.77 Standards of Performance for Stationary Combustion Turbines – Subpart KKKK
- 001.78 Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006 – Subpart GGGa
- 001.79 Equipment leaks of VOC in synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006 – Subpart VVa
- 001.80 Petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007 – Subpart Ja
- 001.81 Kraft pulp mills – Subpart BB
- 001.82 Stationary Spark Ignition Internal Combustion Engines – Subpart JJJJ
- 001.83 Electric Utility Steam Generating Units – Subpart Da
- 001.84 Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 – Subpart Ga
- 001.85 Commercial & Industrial Solid Waste Incineration Units – Subpart CCCC
- 001.86 Emission Guidelines & Compliance Times for Commercial & Industrial Solid Waste Incineration Units – Subpart DDDD

001.87 New Sewage Sludge Incineration Units – Subpart LLLL

001.88 Emission Guidelines & Compliance Times for Existing Sewage Sludge Incineration Units – Subpart MMMM

001.89 Crude Oil & Natural Gas Production, Transmission & Distribution – Subpart OOOO

002 Except as provided in 004 below, standards of performance are applicable only to those new, modified, or reconstructed facilities specified or defined as an "affected facility".

003 Should the source need assistance in determining the CFR requirements the Department will provide the needed information on request.

004 Emission Limits for Existing Stationary Sources. Notwithstanding any other provisions of these regulations, the following emission limits are applicable to existing sources as follows:

004.01 Municipal solid waste (MSW) landfills. The designated facility to which these limits apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991, which has accepted waste at any time since November 8, 1987, or has additional capacity available for future waste deposition.

004.01A Each designated facility shall submit an initial design capacity report 90 days after September 8, 1997 on forms provided by the Department. The final determination of design capacity shall be subject to review and approval by the Department. Any change in the physical boundaries, operation or waste deposition practices which increase or decrease the design capacity of the landfill shall require the submittal of an amended design capacity report.

004.01B Each designated facility having an aggregate design capacity of 2.5 million megagrams or 2.5 million cubic meters or more shall calculate and report nonmethane organic compound (NMOC) emissions as provided for new MSW landfills under section 001.65 of this chapter beginning 90 days after September 8, 1997.

004.01C Each designated facility having an NMOC emission rate of 50 megagrams per year or more shall design, install and operate a landfill gas collection and control system (LGCCS) as provided for new MSW landfills under section 001.65 of this chapter. An alternate design plan may be approved by the Department provided the source demonstrates that

004.01C1 Meeting the requirements of section 001.65 of this chapter will result in unreasonable costs of control due to plant age, location, or basic process design;

004.01C2 It will be physically impossible to install the necessary control equipment needed to meet the requirements of section 001.65 of this chapter; or

004.01C3 Other factors specific to the facility will make application of a less stringent standard significantly more reasonable than meeting the requirements of section 001.65 of this chapter.

004.01D Each designated facility subject to the control provisions of 004.01C above shall submit the LGCCS design for Department review within 1 year of the first report in which NMOC emissions equal or exceed 50 megagrams per year, and shall install the approved LGCCS within 30 months of that report, except as provided under section 001.65 of this chapter.

004.01E Each designated facility subject to the control provisions of 004.01C above shall conduct testing, monitoring, recordkeeping and reporting for the LGCCS as provided for new MSW landfills under section 001.65 of this chapter.

004.01E1 If a source receives approval for an alternate design plan under section 004.01C, the Department may also approve alternate testing and monitoring procedures for the source, provided the source demonstrates that the testing and monitoring requirements in section 001.65 are not practical for the alternate design and that the alternate procedures are adequate to determine compliance with the approved alternate design plan.

004.02 Hospital/medical/infectious waste incinerators. The designated facility to which these limits apply is each individual hospital/medical/ infectious waste incinerator for which construction, reconstruction or modification was commenced on or before June 20, 1996. The emission limits under this section apply at all times except during startup, shutdown or malfunction, provided that no hospital waste or medical/infectious waste is charged to the designated facility during startup, shutdown or malfunction. For purposes of this section, the definitions in 40 CFR Part 60, §60.31 and the exceptions and exemptions from the definition of designated facility in 40 CFR Part 60, §§60.32e(b) through (h), are adopted by reference and incorporated herein.

004.02A Beginning September 15, 2000, each designated facility subject to this section shall be operated pursuant to a Class I operating permit.

004.02B For purposes of this section, the size classifications and emission limits provided in Tables 1 and 2 of 40 CFR Part 60, Subpart Ce are adopted by reference and incorporated herein. On or after the date on which the initial compliance test is required, no designated facility shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits for its size, as provided in either Table 1 or 2, as applicable, or exhibit greater than 10 percent opacity, as evaluated by Method 9 in Appendix A of 40 CFR Part 60.

004.02C Each designated facility subject to the provisions of this section shall comply with the requirements for operator training and qualification, waste management plans, and recordkeeping and reporting, except for requirements relating to siting and fugitive emissions, as provided for new sources in section 001.67 of this chapter.

004.02D Each designated facility subject to the provisions of Table 1 as adopted in 004.02B shall comply with the requirements for compliance and performance testing and monitoring, except for fugitive emissions testing, as provided for new sources in 001.67 of this chapter.

004.02E Each designated facility subject to the provisions of Table 2 as adopted in 004.02B shall undergo an initial equipment inspection within 1 year of December 15, 1998, and subsequent equipment inspections no more than 12 months following each previous equipment inspection. For purposes of this paragraph, the inspection requirements in 40 CFR Part 60 §§60.36e(a)(1) and (2) are adopted by reference.

004.02F Each designated facility subject to the provisions of Table 2 as adopted in 004.02B shall comply with the following:

004.02F1 Requirements for compliance and performance testing as provided in 40 CFR Part 60, §§60.37e(b)(1) through (5);

004.02F2 Requirements for monitoring as provided in 40 CFR Part 60, §§60.37e(d)(1) through (3); and

004.02F3 Requirements for reporting and recordkeeping as provided in 40 CFR Part 60, §§60.38e(b)(1) and (2).

004.02G Each designated facility subject to the provisions of this section shall comply with all provisions of this section no later than 1 year after the EPA approval of the state plan for existing hospital/medical/infectious waste incinerators.

Title 129

Chapter 18

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 18, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Nebraska Air Quality Regulations

Chapter 19 – Prevention of Significant Deterioration of Air Quality (PSD)

001 The following subsections of 40 CFR 52.21 published on July 1, 2009 are incorporated by reference into Chapter 19 of Title 129: (b) (34), (35), (36), (37), and (38) definitions related to clean coal technology demonstration projects; (e) Restrictions on area classifications; and (g) Redesignation. 40 CFR 52.21 (p), “Sources impacting Federal Class I area”, as published at 75 Federal Register 64906 is incorporated by reference into Chapter 19 of Title 129.

002 The requirements of this chapter apply to the construction of any new major stationary source or the major modification of any existing major stationary source, as defined in Chapter 2, section 008. The provisions of this chapter apply only to sources located in areas designated as attainment or unclassifiable. Sources not subject to PSD review may still require a construction permit pursuant to provisions in Chapter 17.

003 Prior to beginning actual construction of a new major stationary source or a major modification of an existing major stationary source, the owner or operator must obtain a permit, issued by the Department, stating that the source will comply with the requirements of this chapter.

004 For any construction project at an existing major stationary source, the owner or operator must determine if the project is a major modification for a regulated NSR pollutant by assessing the following criteria:

004.01 The status of each relevant emissions unit, either new or existing, as defined in Chapter 1, section 051.

004.02 The baseline actual emissions (BAE) for each unit, as defined in section 005.

004.03 The projected actual emissions (PAE) or potential to emit (PTE) for each unit, as defined in sections 006 and 007.

004.04 Whether the emissions increase (PAE (or PTE) minus BAE) is significant, as defined in section 008.

004.05 If the emissions increase is significant, whether the net emissions increase, as defined in section 009, is significant as defined in section 010.

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005 Baseline actual emissions (BAE) for a new unit is defined in section 005.12. BAE for an existing emissions unit means the average rate, in tons per year, at which an emissions unit actually emitted the regulated NSR pollutant during any consecutive 24-month period selected by the owner or operator that is representative of normal source operation and that meets the following criteria:

005.01 For units at an electric utility steam generating unit, within the five year period immediately preceding when the owner or operator begins actual construction of the project, unless the Department determines that a different time period within the preceding ten years is more representative of normal source operations.

005.02 For all other units, within the ten-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Department for a permit required under this section, whichever is earlier.

005.03 In no case may the consecutive 24-month period begin before January 1, 1996.

005.04 The average rate per unit shall include emissions associated with startups, shutdowns, and malfunctions.

005.05 Fugitive emissions:

005.05A The average rate per unit shall include fugitive emissions, to the extent quantifiable, for sources belonging to one of the categories listed in Chapter 2, sections 002.01 through 002.27. Fugitive emissions shall be considered quantifiable if emission factors are available or if emissions can be calculated using mass balance equations or other means deemed acceptable to the Department.

005.05B The average rate per unit shall not include fugitive emissions for sources not belonging to one of the categories specified in section 005.05A.

005.06 The average rate per unit shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

005.07 The average rate per unit shall be adjusted downward to reflect any regulatory changes becoming effective since the beginning of the consecutive 24-month period that would have required reduced emissions for any of the emissions units being changed if the regulatory changes had been in effect during the consecutive 24-month period.

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005.08 When a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the BAE for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

005.09 The average rate per unit shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions or for measuring non-compliant emissions, in tons per year.

005.10 BAE shall be calculated using the following methodologies in this order of preference where possible:

005.10A Continuous Emissions Monitors (CEMS) complying with requirements in Chapter 34.

005.10B Predictive Emissions Monitors (PEMS) complying with requirements in Chapter 34.

005.10C Source-specific stack test data, if such stack test occurred during the baseline period.

005.10D Emission factors as defined in Chapter 6, sections 003.03 and 003.04.

005.10E Mass Balance

005.11 Other methodologies or a different order of preference of methodologies than those listed in 005.10 may be used to calculate the BAE with prior concurrence of the Department.

005.12 For a new emissions unit, the BAE for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's PTE.

005.13 For a PAL for a stationary source, the BAE shall be calculated in accordance with the procedures contained in section 005.01 through 005.12.

006 Projected actual emissions (PAE) is the maximum annual rate, in tons per year (consecutive 12 month period), at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years following the date the unit resumes regular operation after the project. If the project involves increasing the emissions unit's design capacity or its potential to emit the regulated NSR pollutant, and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source, the PAE is the maximum annual rate in any one

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of the ten years following the date the unit resumes regular operation after the project. To determine PAE, the owner or operator:

006.01 Shall consider all relevant information, including but not limited to the source's historical operational data, its own representations, expected business activity and highest projections of business activity, compliance plans, and filings with state or federal regulatory authorities; and

006.02 Shall include emissions associated with startup, shutdown, and malfunctions.

006.03 Shall consider fugitive emissions as follows:

006.03A The average rate per unit shall include fugitive emissions, to the extent quantifiable, for sources belonging to one of the categories listed in Chapter 2, sections 002.01 through 002.27. Fugitive emissions shall be considered quantifiable if emission factors are available or if emissions can be calculated using mass balance equations or other means deemed acceptable to the Department.

006.03B The average rate per unit shall not include fugitive emissions for sources not belonging to one of the categories specified in section 006.03A.

006.04 Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the BAE and that are also unrelated to the particular project, including any increased utilization due to product demand growth. The Department shall provide guidance for use by the owner or operator to determine the amount of emissions that may be attributed to demand growth.

006.05 May, in lieu of using the method set out in sections 006.01, 006.02, 006.03, and 006.04, elect to use the emissions unit's potential to emit (PTE), in tons per year, as defined in section 007.

007 Potential to emit (PTE) is the maximum capacity of a major stationary source to emit a regulated NSR pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit such a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

008 Calculating significant emissions increase of a regulated NSR pollutant.

008.01 Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between PAE and BAE, for each existing emissions unit, equals or exceeds the significant amount for that pollutant, as described in section 010.

008.02 As an alternative to section 008.01, the actual-to-potential test may be used for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the PTE from each existing emissions unit following completion of the project and the BAE of these units before the project equals or exceeds the significant amount for that pollutant, as described in section 010.

008.03 Actual-to-potential test for projects that only involve construction of a new emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the PTE from each new emissions unit following completion of the project and the BAE of these units before the project equals or exceeds the significant amount for that pollutant, as described in section 010.

008.04 Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for all emissions units involved in the project (using the methods specified in sections 008.01, 008.02, and 008.03) equals or exceeds the significant amount for that pollutant, as described in section 010.

008.05 For any major stationary source with a Plant-wide Applicability Limit (PAL) for a regulated NSR pollutant, the major stationary source shall comply with the requirements in section 011.

009 If a project results in a significant emissions increase as calculated in section 008, then a determination must be made as to whether the project also results in a significant net emissions increase. The net emissions increase is the amount over zero of the sum of the emissions increase and any other increases and decreases in actual emissions at the major stationary source that are contemporaneous (as defined in section 009.01) with the project and are otherwise creditable. BAE for calculating such increases and decreases shall be as defined in section 005.

009.01 An increase or decrease in actual emissions is contemporaneous with the increase from the project for which an emissions increase has been calculated in section 008 only if it occurs between the date five years before the source begins actual construction (as defined in Chapter 1, section 023) of the project and the date that the increase from the project occurs.

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009.02 An increase or decrease is creditable only if the Department has not relied on it in issuing a PSD permit for the source which was in effect when the increase from the project occurred.

010 Significant means, in reference to an emission increase or a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

010.01 Carbon monoxide: 100 tons per year;

010.02 Nitrogen oxides: 40 tons per year;

010.03 Sulfur dioxide: 40 tons per year;

010.04 Particulate matter (PM): 25 tons per year;

010.05 PM₁₀: 15 tons per year;

010.06 PM_{2.5}: 10 tons per year of direct PM_{2.5} emissions; 40 tons per year of sulfur dioxide emissions; 40 tons per year of nitrogen oxide emissions;

010.07 Ozone: 40 tons per year of volatile organic compounds or nitrogen oxides;

010.08 Lead: 0.6 tons per year;

010.09 Fluoride: 3 tons per year;

010.10 Sulfuric acid mist: 7 tons per year;

010.11 Hydrogen sulfide (H₂S): 10 tons per year;

010.12 Total reduced sulfur compounds (including H₂S): 10 tons per year;

010.13 Reduced sulfur compounds (including H₂S): 10 tons per year;

010.14 Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2×10^{-6} megagrams per year (3.5×10^{-6} tons per year);

010.15 Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year);

010.16 Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year);

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010.17 Municipal solid waste landfills emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year);

010.18 For any regulated NSR pollutant not listed in sections 010.01 through 010.17: any increase is significant.

011 Actuals PALs. The term “Plantwide Applicability Limitations” (PAL) refers to an “actuals PAL” in the following sections. The Department may approve a PAL in accordance with the following requirements:

011.01 A PAL may only be approved for an existing major stationary source.

011.02 The PAL shall impose an annual emission limitation in tons per year that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

011.03 Any physical change or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets all requirements in section 013 and complies with the provisions of the construction permit establishing the PAL:

011.03A Is not considered a major modification for the PAL pollutant; and

011.03B Is not subject to the provisions in Chapter 19, sections 024.02.

011.04 Except as provided under section 011.03B, a major stationary source shall continue to comply with all applicable Federal or State requirements, emission limitations and work practice requirements that were established prior to the effective date of the PAL.

011.05 Permit application to establish a PAL. An owner or operator of a major stationary source wishing to establish a PAL must submit to the Department the following information:

011.05A A list of all emissions units at the source and each unit’s designation as small, significant or major based on its PTE.

011.05B An indication of which, if any, Federal or State applicable requirements, emission limitations, or work practices apply to each unit and,

if any do so, whether such requirements, emission limitations, or work practices were taken to comply with BACT.

011.05C Calculations of the BAE with supporting documentation.

011.05D The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by 011.12.

011.06 The PAL shall be established in a construction permit in accordance with Chapter 17. The construction permit establishing the PAL shall include the following information and conditions:

011.06A The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

011.06B Each PAL shall regulate emissions of only one pollutant.

011.06C Each PAL shall have an effective period of 10 years.

011.06D The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in sections 011.12, 011.13, and 011.14 for each emissions unit under the PAL throughout the PAL effective period.

011.06E The PAL pollutant and the applicable source-wide emissions limitation in tons per year.

011.06F The PAL effective date and expiration date.

011.06G Specification that if the owner or operator of the source with a PAL applies to renew a PAL in accordance with section 011.15 before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised permit renewing the PAL is issued or denied by the Department.

011.06H A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns and malfunctions.

011.06I A requirement that, once a PAL expires, the major stationary source is subject to the requirements under section 011.18.

011.06J The calculation procedures that the owner or operator of the source shall use to convert the monitoring system data to monthly emissions

and annual emissions based on a 12-month rolling total for each month as required by section 011.12.

011.06K A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provision under section 011.12.

011.06L A requirement to retain the records required under section 011.13 onsite. Such records may be retained in an electronic format.

011.06M A requirement to submit the reports required under section 011.14 by the required deadlines.

011.06N At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under Chapter 17, section 013.03, unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL

011.06O Any other requirements that the Department deems necessary to implement and enforce the PAL.

011.07 Setting the PAL emissions level. The PAL level for a major stationary source shall be established as the sum of the BAE of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under section 010 or under the Act, whichever is lower. Emissions associated with units that were permanently shut down after the 24-month period used for the BAE must be subtracted from the PAL level. Emissions from units on which actual construction began after the 24-month period must be added to the PAL level in an amount equal to the PTE of the units. The Department shall specify a reduced PAL level in tons per year in the construction permit establishing the PAL to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the Department is aware of prior to issuance of the construction permit establishing the PAL.

011.08 During the PAL effective period, the Department is required to reopen the construction permit to:

011.08A Correct typographical or calculation errors made in setting the PAL or to reflect a more accurate determination of emissions used to establish the PAL.

011.08B Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under Chapter 17, section 013.03.

011.08C Revise the PAL to reflect an increase in the PAL as provided in section 011.11.

011.09 During the PAL effective period the Department may, at its discretion, reopen the construction permit to:

011.09A Reduce the PAL to reflect newly applicable Federal requirements with compliance dates after the PAL effective date.

011.09B Reduce the PAL consistent with any other requirement, such as statute, rule, or court decision that is enforceable as a practical matter.

011.09C Reduce the PAL if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an Air Quality Related Values (AQRV) that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

011.10 Except for the permit reopening to correct typographical errors or calculation errors that do not increase the PAL level, all reopenings shall be carried out in accordance with public participation procedures in Chapter 14.

011.11 Increasing a PAL emission limitation during the PAL effective period.

011.11A A PAL emission limitation may be increased during the PAL effective period only if the owner or operator of the major stationary source complies with the following:

011.11A1 The owner or operator shall submit a complete construction permit application to request an increase in the PAL limit for a PAL major modification. The application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

011.11A2 As part of this application, the owner or operator shall demonstrate that the sum of the BAE of the small emissions units, plus the sum of the BAE of the significant and major emissions units (assuming application of BACT equivalent controls), plus the sum of the allowable emissions of the new or modified emissions unit(s), exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit

shall be equal to the level of BACT with which that emissions unit must currently comply.

011.11A3 The owner or operator must obtain a major PSD permit for all emissions unit(s) identified in section 011.11A1, without regard to whether the increase in emissions for the unit will be significant. These emissions unit(s) shall comply with any emissions requirements resulting from the major PSD process, even though they have also become subject to the PAL or continue to be subject to the PAL.

011.11A4 The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

011.11B The Department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the BAE of the significant and major emissions units (assuming application of BACT equivalent controls), plus the sum of the BAE of the small emissions units.

011.11C The construction permit reflecting the increased PAL level shall be issued pursuant to compliance with requirements for public participation in Chapter 14.

011.12 Monitoring requirements for PALS. Each operating permit that includes a PAL must contain enforceable requirements for the monitoring system that accurately determines plant-wide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for a PAL must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the permit that includes the PAL. Failure to use a monitoring system that meets the requirements of section 011.12 renders the PAL invalid. The PAL monitoring system must employ one of the monitoring approaches listed in sections 011.12A through 011.12D or an alternative approach approved by the Department;

011.12A CEMS which meet the following requirements:

011.12A1 CEMS must comply with applicable Performance Specifications found in 40 CFR part 60, appendix B; and

011.12A2 CEMS must sample, analyze, and record data at least every 15 minutes while the emissions unit is operating.

011.12B PEMS which meet the following requirements:

011.12B1 Any PEMS must be approved for use by the Department in accordance with Chapter 34, section 009.

011.12B2 Any PEMS approved for use in accordance with Chapter 34, section 009 must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Department, while the emissions unit is operating.

011.12C Emissions factors which meet the following requirements:

011.12C1 All emissions factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

011.12C2 The emissions unit shall operate within the designated range of use for the emissions factor if applicable; and

011.12C3 If technically practicable, the owner or operator of a significant emissions unit that relies on an emissions factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emissions factor in accordance with Chapter 34, section 007, unless the Department determines that such testing is not required.

011.12D Mass balance calculations for activities using coatings or solvents which meet the following requirements:

011.12D1 Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

011.12D2 Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

011.12D3 Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

011.12E An owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the permit.

011.12F Notwithstanding the requirements in sections 011.12A through 011.12D, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Department shall, at the time of permit issuance:

011.12F1 Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

011.12F2 Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

011.12G Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Department. Such testing must occur at least once every five years after issuance of the PAL.

011.13 Recordkeeping requirements. The construction permit which contains the PAL shall require the owner or operator to retain a copy of all records necessary to determine compliance with any requirement of section 011 and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record. Such permit shall also require the owner or operator to retain a copy of the following records, for the duration of the PAL effective period plus five years:

011.13A A copy of the permit application requesting a PAL and applications for revisions to the PAL; and

011.13B Each annual certification of compliance pursuant to Chapter 8, section 012.05 and the data relied on in certifying the compliance.

011.14 Reporting and notification requirements. The owner or operator shall submit the following reports to the Department in accordance with Chapter 8, sections 004.03 and 004.04:

011.14A Semiannual report. The semiannual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the following information:

011.14A1 The identification of the owner or operator and the permit number.

011.14A2 Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to section 011.13.

011.14A3 All data relied upon, including but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions.

011.14A4 A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

011.14A5 The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

011.14A6 A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by section 011.12E.

011.14A7 A signed statement by the responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

011.14B Deviation report. The owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to Chapter 8, section 004.03B including time limits, shall satisfy this reporting requirement. The reports shall contain the following information:

011.14B1 The identification of the owner or operator and the permit number;

011.14B2 The PAL requirement that experienced the deviation or that was exceeded;

011.14B3 Emissions resulting from the deviation or the exceedance; and

011.14B4 A signed statement by the responsible official certifying the truth, accuracy, and completeness of the information provided in the report.

011.14C Re-validation results. The owner or operator shall submit to the Department the results of any re-validation test or method within 45 days after completion of such test or method.

011.15 PAL Renewal. The owner or operator of a source with a PAL may apply for PAL renewal no sooner than 18 months and no later than six months prior to the end of the PAL effective period. If the owner or operator submits a complete application for renewal within this time period, the PAL shall continue to be effective until the revised permit with the renewed PAL is issued or denied. A complete application shall consist of the following:

011.15A All of the information required for an initial application as listed in section 011.05.

011.15B A proposed PAL level.

011.15C The sum of the PTE of all emissions units under the PAL, with supporting documentation.

011.15D Any other information the owner or operator wants the Department to consider in determining the appropriate level for renewing the PAL.

011.16 The Department shall follow the procedures specified in Chapter 14 in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Department.

011.17 Adjusting the PAL at the time of renewal

011.17A If the emissions level calculated in accordance with section 011.07 at the time of renewal is equal to or greater than 80 percent of the currently permitted PAL level, the Department may renew the PAL at the currently permitted level without considering the factors set forth in section 011.17B.

011.17B At the Department's discretion, it may set the PAL at a level that it determines to be more representative of the source's BAE, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward

or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Department in its written rationale.

011.17C Notwithstanding the discretion allowed in sections 011.17A and 011.17B,

011.17C1 If the PTE of the source is less than the PAL, the Department shall adjust the PAL to a level no greater than the PTE of the source.

011.17C2 The Department shall not approve a renewed PAL level higher than the current PAL, unless the source has complied with the provisions of section 011.11.

011.17D If the compliance date for a State or Federal requirement that applied to the PAL source occurs during the PAL effective period, and if the Department has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL renewal or operating permit renewal whichever occurs first.

011.18 Expiration of a PAL. Any PAL that is not renewed in accordance with the procedures in section 011.15 shall expire at the end of the PAL effective period and the requirements in section 011.18 shall apply. If an application for PAL renewal is denied, the PAL shall expire on the date the application is denied and the requirements in section 011.18 shall apply:

011.18A Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emissions limitation under a new construction permit established as a major modification, as specified below:

011.18A1 Within the time frame specified for PAL renewals in section 011.15, the source shall submit a proposed allowable emissions limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Department) by distributing the PAL allowable emissions for the source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under section 011.17D, such distribution shall be made as if the PAL had been adjusted.

011.18A2 The Department shall decide whether and how the PAL allowable emissions will be distributed and issue a construction permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Department determines is appropriate.

011.18B Each emissions unit(s) shall comply with the allowable emissions limitation on a 12-month rolling basis. The Department may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS or PEMS to demonstrate compliance with the allowable emissions limitation.

011.18C Until the Department issues the new construction permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under section 011.18A, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emissions limitation.

011.18D Any physical change or change in the method of operation at the major stationary source will be subject to major PSD requirements if such change meets the definition of major modification in Chapter 1, section 076.

011.18E The major stationary source owner or operator shall continue to comply with any State or Federal applicable requirements that may have applied either during the PAL effective period or prior to the PAL effective period except for those emissions limitations that had been established pursuant to section 024.02, but were eliminated by the PAL in accordance with section 011.11.

012 Ambient air increments. For any period other than an annual period listed below, the applicable maximum allowable increase may be exceeded during one such period per year at any one location. In any area of the state, increases in pollutant concentration over the baseline concentration shall be limited to the following:

012.01 PM_{2.5} annual arithmetic mean: 4 micrograms per cubic meter

012.02 PM_{2.5} 24 hour maximum: 9 micrograms per cubic meter

012.03 PM₁₀, annual arithmetic mean: 17 micrograms per cubic meter

012.04 PM₁₀, 24 hour maximum: 30 micrograms per cubic meter

012.05 Sulfur dioxide, annual arithmetic mean: 20 micrograms per cubic meter

012.06 Sulfur dioxide, 24 hour maximum: 91 micrograms per cubic meter

012.07 Sulfur dioxide, 3 hour maximum: 512 micrograms per cubic meter

012.08 Nitrogen dioxide, annual arithmetic mean: 25 micrograms per cubic meter

013 Ambient air ceilings. No concentration of a pollutant shall exceed:

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013.01 The concentration permitted under the national secondary ambient air quality standard, or

013.02 The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

014 Exclusions from increment consumption. The concentrations listed in sections 014.01 through 014.04 shall be excluded in determining compliance with a maximum allowable increase. No exclusions of concentrations referred to in sections 014.01 and 014.02 shall apply more than five years after the effective date of the applicable order or plan.

014.01 Concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order.

014.02 Concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;

014.03 Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources; and

014.04 The increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration.

015 Stack heights. Requirements for control of pollutants under this chapter shall be in accordance with Chapter 16.

016 Exemptions for particular major stationary source or major modification. The requirements of sections 017 through 024 shall not apply to a particular major stationary source or major modification if:

016.01 The source or major modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution and the Governor of the State of Nebraska requests that it be exempt from those requirements;

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016.02 The source or major modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the PTE of the stationary source or modification and the source does not belong to any of the categories listed in Chapter 2, sections 002.01 through 002.27.

016.03 The source or major modification is a portable stationary source which has previously received a permit under requirements equivalent to those in sections 017 through 024, if

016.03A The owner or operator proposes to temporarily relocate the source so that emissions at the new location would be temporary; and

016.03B The emissions for the source would not exceed its allowable emissions; and

016.03C The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

016.03D Notice of relocation is given to the Department in accordance with Chapter 10.

016.04 Requirements equivalent to those in sections 017 through 024 do not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or major modification is located in an area designated as nonattainment under section 107 of the Act.

016.05 Requirements equivalent to those contained in sections 018, 020, and 022 do not apply to a proposed major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from a new source, or the net emissions increase of that pollutant from a major modification, would be temporary and impact no Class I area and no area where an applicable increment is known to be violated.

016.06 Requirements equivalent to those contained in sections 018, 020, and 022 as they relate to any maximum allowable increase for a Class II area do not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than 50 tons per year.

016.07 The Department may exempt a proposed major stationary source or major modification from the requirements of section 020, with respect to monitoring for a particular pollutant, if:

016.07A The emissions increase of the pollutant from a new stationary source or the net emissions increase of the pollutant from a major modification would cause, in any area, air quality impacts less than the following amounts:

016.07A1 Carbon monoxide – 575 micrograms per cubic meter, 8-hour average;

016.07A2 Nitrogen dioxide – 14 micrograms per cubic meter, annual average;

016.07A3 PM_{2.5} – 4 micrograms per cubic meter, 24-hour average;

016.07A4 PM₁₀ – 10 micrograms per cubic meter, 24-hour average;

016.07A5 Sulfur dioxide – 13 micrograms per cubic meter, 24-hour average;

016.07A6 Ozone – no de minimis air quality level is provided for ozone. However, any net increase of 100 tons per year or more of VOCs or NO_x subject to PSD would be required to perform an ambient impact analysis, including the gathering of ambient air quality data.

016.07A7 Lead – 0.1 micrograms per cubic meter, 3-month average;

016.07A8 Fluorides – 0.25 micrograms per cubic meter, 24-hour average;

016.07A9 Total reduced sulfur – 10 micrograms per cubic meter, 1-hour average;

016.07A10 Hydrogen sulfide – 0.2 micrograms per cubic meter, 1-hour average;

016.07A11 Reduced sulfur compounds – 10 micrograms per cubic meter, 1-hour average; or

016.07B The concentrations of the pollutant in the area that the source or major modification would affect are less than the concentrations listed in section 016.07A; or

016.07C The pollutant is not listed in section 016.07A.

016.08 Permitting requirements equivalent to those contained in section 018.01B do not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or

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modification submitted an application for a permit under the applicable permit program approved or promulgated under the Act before the provisions embodying the maximum allowable increase took effect as part of the plan and the Department subsequently determined that the application as submitted before that date was complete.

016.09 Permitting requirements equivalent to those contained in section 018.01B shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM₁₀ if the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved under the Act before the provisions embodying the maximum allowable increases for PM₁₀ took effect as part of the plan, and the Department subsequently determined that the application as submitted before that date was complete. Instead, the applicable requirements equivalent to section 018.01B shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

017 Control technology review:

017.01 A major stationary source or major modification shall meet each applicable emissions limitation under the SIP and each applicable emission standard and standard of performance under Chapters 18 and 23.

017.02 A new major stationary source shall apply best available control technology (BACT) for each regulated NSR pollutant that it would have the potential to emit in significant amounts.

017.03 A major modification shall apply BACT for each regulated NSR pollutant for which it would be a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

017.04 For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the earliest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

018 Source impact analysis.

018.01 Required Demonstration. The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions

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increases or reductions, (including secondary emissions) would not cause or contribute to air pollution in violation of

018.01A Any national ambient air quality standard in any air quality control region; or

018.01B Any applicable maximum allowable increase over the baseline concentration in any area.

018.02 Significant impact levels. For purposes of PM_{2.5}, the demonstration required in section 018.01 of this chapter is deemed to have been made if the emissions increases of the new stationary source alone or from the modification alone would cause, in all areas, air quality impacts less than the following amounts:

018.02A PM_{2.5} – 0.3 micrograms per cubic meter, annual average;

018.02B PM_{2.5} - 1.2 micrograms per cubic meter, 24-hour average

019 Air quality models.

019.01 All applications of air quality modeling referred to in Chapter 19 shall be based on the applicable models, data bases, and other requirements specified in 40 CFR 51, appendix W (Guideline on Air Quality Models).

019.02 Where an air quality model specified in 40 CFR 51, appendix W (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis adopted by the Department. Written approval of the Administrator must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in Chapter 14.

020 Air quality analysis:

020.01 Pre-application analysis:

020.01A Any application for a major PSD permit shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

020.01A1 For the source, each pollutant that it would have the potential to emit in a significant amount;

020.01A2 For the major modification, each pollutant for which it would result in a significant net emissions increase.

020.01B With respect to any pollutant for which no NAAQS exists, the analysis shall contain such air quality monitoring data as the Department determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

020.01C With respect to any pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

020.01D The continuous air monitoring data that is required shall have been gathered over a period of one year and shall represent the year preceding receipt of the application, except that, if the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not less than four months), the data that is required shall have been gathered over at least that shorter period.

020.01E The owner or operator of a proposed major stationary source or major modification of volatile organic compounds (VOCs) who satisfies all conditions of Chapter 17, section 013, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under section 020.01.

020.02 Post-construction monitoring. The owner or operator of a major stationary source or major modification shall, after construction of the stationary source or major modification, conduct such ambient monitoring as the Department determines is necessary to determine the effect emissions from the stationary source or major modification may have, or are having, on air quality in any area.

020.03 Operation of monitoring stations. The owner or operator of a major stationary source or major modification shall meet the requirements of 40 CFR 58, Appendix B during the operation of monitoring stations for purposes of satisfying the requirements of section 020.

021 Source information:

021.01 The owner or operator of a proposed source or major modification shall submit all information necessary to perform any analysis or make any determination required under procedures established in accordance with Chapter 19. Such information shall include

021.01A A description of the nature, location, design capacity, and typical operating schedule of the source or major modification, including specifications and drawings showing its design and plant layout;

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021.01B A detailed schedule for construction of the source or major modification;

021.01C A detailed description as to what system of continuous emission reduction is planned by the source or major modification, emissions estimates, and any other information as necessary to determine that BACT as applicable would be applied.

021.02 Upon request by the Department, the owner or operator shall also provide information on:

021.02A The air quality impact of the source or major modification, including meteorological and topographical data necessary to estimate such impact; and

021.02B The air quality impacts and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or major modification would affect.

022 Additional impact analyses:

022.01 The owner or operator shall provide an analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or major modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

022.02 The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the source or major modification.

023 Notification to permit applicants and public:

023.01 The Department shall determine if a permit application is complete within 60 days after receipt of the application and so notify the applicant. If the Department determines that the application is incomplete and additional information is necessary to evaluate or take final action on the application, the Department may request such information in writing and set a reasonable deadline for a response. The Department may determine that an application is complete, but later determine that additional information is needed to evaluate or take final action on the application.

023.02 If the Department does not determine that the application is incomplete, the application is automatically deemed to be complete 60 days after it was

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received by the Department. Nothing in this section shall prohibit the Department from requesting additional information that is necessary to evaluate or take final action on the application or release the applicant from providing such information.

023.03 Within one year after receipt of a complete application, the Department shall make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

023.04 The Department shall provide opportunity to the public to submit comments or request a public hearing on every PSD permit application approved or approved with conditions, in accordance with section 010 of Chapter 14.

024 Source obligation:

024.01 Approval to construct and issuance of a major PSD construction permit shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state or Federal law.

024.02 At any time that a source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of sections 016 through 024 shall apply to the source or modification as though construction had not yet commenced on the source or modification.

024.03 The following provisions apply to projects at existing emissions units at a major stationary source where the project is not a part of a major modification and where the owner or operator elects to use the method specified in sections 006.01 through 006.04 for calculating projected actual emissions.

024.03A Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

024.03A1 A description of the project;

024.03A2 Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

024.03A3 The applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the BAE, the PAE, and any netting calculations if applicable. The owner or operator must also include the amount of emissions excluded due to demand growth, as defined in section 006.04, and an explanation for why such amount was excluded.

024.03B Before beginning actual construction, the owner or operator shall meet face-to-face with a Department representative to discuss the PAE determination, and shall provide a copy of the information set out in section 024.03A to the Department. The owner or operator of such a unit is not required to obtain any determination from the Department before beginning actual construction.

024.03C The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in section 024.03A2 and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

024.03D If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Department within 60 days after the end of each calendar year during which records must be generated under section 024.03C, setting out the unit's annual emissions during the calendar year that preceded submission of the report.

024.03E If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Department if the annual emissions, in tons per year, from the project identified in section 024.03A exceed the BAE (as documented and maintained pursuant to section 024.03A3) by 80 percent of the significant amount for that regulated NSR pollutant, as listed in section 010. Such report shall be submitted to the Department within 60 days after the end of such calendar year. The report shall contain the following:

024.03E1 The name, address and telephone number of the major stationary source;

024.03E2 The annual emissions as calculated pursuant to section 024.03E.

024.03E3 An explanation as to whether the emissions differ from the preconstruction projections, and, if so, why.

024.03F A PSD construction permit is required for each unit with annual net emissions of a regulated NSR pollutant exceeding the significant level listed in section 010 notwithstanding PAE below the significant level.

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024.04 The owner or operator shall make the information required to be documented and maintained pursuant to section 024.03 available for review upon request for inspection by the Department or the general public pursuant to the requirements contained in Chapter 14.

025 If any provisions of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Enabling Legislation: Neb.Rev.Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch.19, Nebraska Department of Environmental Quality

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NEBRASKA ADMINISTRATIVE CODE

Title 129 – Department of Environmental Quality

Chapter 20 – PARTICULATE EMISSIONS; LIMITATIONS AND STANDARDS

For exceptions due to breakdowns or scheduled maintenance: see Chapter 35 – COMPLIANCE; EXCEPTIONS DUE TO STARTUP, SHUTDOWN, OR MALFUNCTION

001 No person shall cause, suffer, allow or permit the emission of particulates from any processing machine, equipment, device or other articles, or combination thereof, except indirect heating equipment and incinerators, in excess of the amounts allowed in Table 20-2 during any one hour.

002 No person shall cause or allow particulate matter caused by the combustion of fuel to be emitted from any stack or chimney into the outdoor atmosphere in excess of the hourly rate set forth in Table 20-1:

Table 20-1

| Total Heat Input in Million British Thermal Units Per Hour (MMBtu/Hr) | Maximum Allowable Emissions of Particulate Matter in Pounds per Million British Thermal Units (lb/MMBtu) |
|---|--|
| 10 or less | 0.60 |
| Between 10 and 10,000 | $\frac{1.026}{I^{0.233}}$ I = The total heat input in MMBtu/Hr |
| 10,000 or more | 0.12 |

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003 For the purpose of these regulations, the total heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or chimney, or the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units at a plant or on a premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

004 No person shall cause or allow emissions, from any source, which are of an opacity equal to or greater than twenty percent (20%), as evaluated by an EPA-approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in section 005 of this chapter.

005 Exceptions:

005.01 No person shall cause or allow emissions from any existing teepee waste wood burner which are of an opacity equal to or greater than forty percent (40%).

005.02 No person shall cause or allow emissions from any existing alfalfa dehydration plant dryer which are of an opacity equal to or greater than thirty percent (30%).

005.03 Emission sources subject to monitoring requirements of Chapter 34, 005 of this Title are allowed to have one six minute period per hour of not more than 27 percent opacity.

005.04 Furnaces owned and operated by a law enforcement agency to dispose of ammunition, fireworks or similar flammable or explosive materials are exempt from the provisions of this Chapter solely while being used for this purpose.

006 All sources shall comply with section 004 of this Chapter unless an opacity standard applies as specified elsewhere in this Title.

Table 20-2

| Process Weight Rate | | Rate of Emissions | Process Weight Rate | | Rate of Emissions |
|------------------------|---------|----------------------|------------------------|---------|----------------------|
| Lb/Hr | Tons/Hr | Lb/Hr | Lb/Hr | Tons/Hr | Lb/Hr |
| 100 | 0.05 | 0.551 | 16,000 | 8.000 | 16.5 |
| 200 | 0.10 | 0.877 | 18,000 | 9.00 | 17.9 |
| 400 | 0.20 | 1.40 | 20,000 | 10. | 19.2 |
| 600 | 0.30 | 1.83 | 30,000 | 15. | 25.2 |
| 800 | 0.40 | 2.22 | 40,000 | 20. | 30.5 |
| 1,000 | 0.50 | 2.58 | 50,000 | 25. | 35.4 |
| 1,500 | 0.75 | 3.38 | 60,000 | 30. | 40.0 |
| 2,000 | 1.00 | 4.10 | 70,000 | 35. | 41.3 |
| 2,500 | 1.25 | 4.76 | 80,000 | 40. | 42.5 |
| 3,000 | 1.50 | 5.38 | 90,000 | 45. | 43.6 |
| 3,500 | 1.75 | 5.96 | 100,000 | 50. | 44.6 |
| 4,000 | 2.00 | 6.52 | 120,000 | 60. | 46.3 |
| 5,000 | 2.50 | 7.58 | 140,000 | 70. | 47.8 |
| 6,000 | 3.00 | 8.56 | 160,000 | 80. | 49.0 |
| 7,000 | 3.50 | 9.49 | 200,000 | 100. | 51.2 |
| 8,000 | 4.00 | 10.4 | 1,000,000 | 500. | 69.0 |
| 9,000 | 4.50 | 11.2 | 2,000,000 | 1,000. | 77.6 |
| 10,000 | 5.00 | 12.0 | 6,000,000 | 3,000. | 92.7 |
| 12,000 | 6.00 | 13.6 | | | |

007 Interpolation of the data in this table for process weight rates up to 60,000 Lb/Hr shall be accomplished by use of the equation $E = 4.10 p^{.67}$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 Lb/Hr shall be accomplished by use of the equation $E = 55.0 p^{.11-40}$, where E = rate of emission in Lb/Hr and P = process weight rate in Tons/Hr. If two or more units discharge into a single stack, the allowable emission rate will be determined by the sum of all process weights discharging into the single stack.

008 Section 001 and Section 002 of this Chapter shall apply unless a more stringent particulate matter standard is specified in the underlying requirements of an applicable federal rule or is specified within a construction permit issued pursuant to this Title.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 20, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 21 - CONTROLS FOR TRANSFERRING, CONVEYING, RAILCAR AND TRUCK
LOADING AT ROCK PROCESSING OPERATIONS IN CASS COUNTY

The owner or operator of any rock processing operation located in Cass County shall install, operate and maintain a system to reduce potential emissions from conveying, transfer operations, and railcar and truck loading by 85 percent. Compliance with this Chapter may be demonstrated by the application of a system of sprays, hoods, enclosures, and/or filters deemed adequate by the Director.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 21, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Department Of Environmental Quality

Chapter 22 - INCINERATORS; EMISSION STANDARDS

001 The provisions of this chapter shall apply to all new and existing incinerators except for those listed in sections 001.01 through 001.05 of this chapter. Incinerators not included in the exceptions listed in sections 001.01 through 001.05 must comply with construction permit requirements listed in Chapter 17, section 001.03.

001.01 Incinerators located on residential premises containing five or less dwelling units and used exclusively for the disposal of waste originating on said premises.

001.02 Incinerators used solely for space heating.

001.03 Incinerators used to burn hazardous waste and subject to regulations under Nebraska Administrative Code Title 128, Chapter 7, section 008.

001.04 Furnaces used for law enforcement purposes specified in definition of "incinerator" in Chapter 1.

001.05 Air curtain incinerators subject to Chapter 18 sections 001.68 or 001.69 or which operate in compliance with Chapter 30, section 002.07G and combust only 100 percent wood waste; 100 percent clean lumber; 100 percent yard waste; or a 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

001.05A Air curtain incinerators must meet additional requirements in section 007 of this chapter.

002 No person shall cause or permit particulate matter emissions from any incinerator to be discharged into the outdoor atmosphere to exceed 0.10 grains per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to 7% oxygen.

003 The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.

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004 Waste burned during performance testing required by Chapter 34 shall be representative of the waste normally generated by the affected facility and shall be charged at a rate equal to the burning capacity of the incinerator. Copies of any additional operational data recorded during the test shall be submitted to the Department together with the completed test report forms.

005 Instructions for proper operation of each incinerator shall be posted on site and written certification that each operator has read these instructions, understands them and intends to comply, shall be kept on record by the owner.

006 Except as provided in sections 006.01 and 006.02 below, each incinerator shall consist of (a) refractory lined combustion furnace(s) employing adequate design parameters necessary for maximum combustion of the materials to be burned, and shall be designed to vent the products of combustion through an adequate stack, duct, or chimney.

006.01 An alternate design for a new unit may be permitted provided it can be shown that the alternative design is at least as effective in controlling pollutant emissions as the design criteria of this section.

006.02 An operating permit can be issued to an existing unit not meeting the design criteria set forth in section 006 above, provided compliance with both section 002 of this chapter and the visible emission standard in section 005 of Chapter 20 can be demonstrated.

007 Air curtain incinerators which combust only clean lumber, wood waste, and/or yard waste shall meet the following requirements:

007.01 Within 60 days after the air curtain incinerator reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the limitations in sections 007.01A and 007.01B must be met:

007.01A The opacity limitation is 10 percent (6-minute average), except as described in section 007.01B.

007.01B The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.

007.02 Except during malfunctions, the requirements of section 007.01 apply at all times, and each malfunction must not exceed 3 hours.

007.03 Opacity monitoring of the air curtain incinerator shall include:

007.03A Use of Method 9 of appendix A of New Source Performance Standards (40 CFR 60) to determine compliance with the opacity limitation.

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007.03B Conducting an initial test for opacity as specified in 40 CFR 60.8.

007.03C After the initial test for opacity, conducting annual opacity tests no more than 12 calendar months following the date of the previous test.

007.04 Prior to commencing construction on the air curtain incinerator, submit all items described in sections 007.04A through 007.04C:

007.04A Notification of intent to construct the air curtain incinerator.

007.04B Planned initial startup date.

007.04C Types of materials to be burned in the air curtain incinerator.

007.05 Recordkeeping requirements for air curtain incinerators:

007.05A Keep records of results of all initial and annual opacity tests onsite (or readily available) in either paper copy or electronic format, unless the Director approves another format, for at least five years.

007.05B Make all records available for submittal to the Director or for an inspector's onsite review.

007.05C The results (each 6-minute average) of the initial opacity tests must be submitted no later than 60 days following the initial test. Submit annual opacity test results within 12 months following the previous report.

007.05D Submit initial and annual opacity test reports in electronic or paper copy on or before the applicable submittal date.

007.05E Keep a copy of the initial and annual reports onsite (or readily available) for a period of five years.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(1)(2)

Legal Citation: Title 129, Ch. 22, Nebraska Department of Environmental Quality.

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Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 23 - HAZARDOUS AIR POLLUTANTS: EMISSION STANDARDS

001 Notwithstanding any other provisions of these regulations, the following "National Emissions Standards for Hazardous Air Pollutants", published at 40 CFR Part 61 effective July 1, 2001, are hereby adopted and incorporated herein:

001.01 Subpart A - General Provisions

001.02 Subpart C - National Emission Standard for Beryllium

001.03 Subpart D - National Emission Standard for Beryllium Rocket Motor Firing

001.04 Subpart E - National Emission Standard for Mercury

001.05 Subpart F - National Emission Standard for Vinyl Chloride

001.06 Subpart J - National Emission Standard for Equipment Leaks (fugitive emission sources) of Benzene

001.07 Subpart L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants

001.08 Subpart M - National Emission Standards for Asbestos, and the following:

001.08A All asbestos-containing waste covered under 40 CFR 61.144, 61.145, 61.146, and 61.147 Subpart M shall be maintained in an adequate wetted state until disposed of by acceptable methods.

001.08B All asbestos-containing waste bags shall be transparent so that the asbestos-containing material (ACM) is visible after packaging.

001.08C Containment projects shall use a viewing window or windows wherever practical.

001.09 Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants

001.10 Subpart O - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters

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001.11 Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities

001.12 Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources)

001.13 Subpart Y - National Emission Standard for Benzene Emissions from Benzene Storage Vessels

001.14 Subpart BB - National Emission Standard for Benzene from Benzene Transfer Operations

001.15 Subpart FF - National Emission Standard for Benzene Waste Operations

001.16 Appendices A, B, and C

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(1)(12)

Legal Citation: Title 129, Ch. 23, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 24 - SULFUR COMPOUND EMISSIONS; EXISTING SOURCES
EMISSION STANDARDS

001 No person shall allow sulfur oxides to be emitted from any existing fossil fuel burning equipment in excess of two and one half (2.5) pounds per million BTU input, maximum 2-hour average.

002 For the purpose of these regulations, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack, or the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(1)(2)

Legal Citation: Title 129, Ch. 24, Nebraska Department of Environmental Quality

Effective Date 6/15/2011 (Rev. 12/15/1993)

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 25 - NITROGEN OXIDES (CALCULATED AS NITROGEN DIOXIDE); EMISSIONS
STANDARDS FOR STATIONARY SOURCES

No owner or operator of an installation producing nitric acid, either as an end product or for use in intermediate steps in production of other products, will allow emissions of oxides of nitrogen (calculated as nitrogen dioxide) to exceed 5.5 pounds per ton of 100 percent nitric acid produced, or a concentration equivalent to 400 parts per million (ppm) by volume, whichever is more stringent. Compliance with the nitrogen oxides emission limit is determined using the arithmetic average of three contiguous one-hour periods.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(1)(12)

Legal Citation: Title 129, Ch. 25, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 26 - ACID RAIN

001 The provisions of 40 CFR part 72, as in effect on July 1, 2001, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act, are hereby adopted and incorporated by reference. The term "permitting authority" shall mean the Department and the term "Administrator" shall mean the Administrator of the EPA.

002 If the provisions or requirements of 40 CFR part 72 conflict with other provisions of this Title as they apply to affected sources, the part 72 provisions and requirements shall apply and take precedence.

003 The provisions of 40 CFR part 75, as in effect on July 1, 2001, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act, are hereby adopted and incorporated by reference.

004 The provisions of 40 CFR part 76, as in effect on July 1, 2001, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act, are hereby adopted and incorporated by reference.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 26, Nebraska Department of Environmental Quality

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Chapter 27 - HAZARDOUS AIR POLLUTANTS, MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)

001 Notwithstanding any other provisions of these regulations, Sections 63.70 through 63.81 of Title 40 Code of Federal Regulations (CFR) Part 63, Subpart D, effective December 29, 1992, pertaining to compliance extensions for early reductions, are hereby adopted and incorporated by reference.

002 Requirement for new, modified, or reconstructed sources of hazardous air pollutants. A permit as required under section 001.01H of Chapter 17 will be issued for construction, reconstruction, or modification of a source with the potential to emit any hazardous air pollutant in an amount equal to or in excess of two and one-half (2.5) tons/year or more of any hazardous air pollutant or an aggregate of ten (10.0) tons/year or more of any hazardous air pollutants only if best available control technology (BACT), as determined by the Director, is applied for each hazardous air pollutant and the source will comply with all other requirements of these regulations. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under Chapters 18, 23, 27, or 28.

003 Requirements for new or reconstructed major sources of hazardous air pollutants. A permit as required under section 001.01H of Chapter 17 for construction or reconstruction of a source with the potential to emit an amount equal to or in excess of 10 tons per year of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, will only be issued if maximum achievable control technology (MACT), as determined by the Director, is applied, and the source is required to comply with all other requirements of these regulations.

003.01 For purposes of this section, 40 CFR Part 63, sections 63.40(b); 63.41; 63.42(c); 63.43(a), (b), and (d); and 63.44, as in effect on December 27, 1996, are hereby adopted and incorporated by reference.

003.02 Except as provided in 003.01, the provisions and procedures of

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Chapter 17 and 002 above apply.

004 This section is reserved for requirements to be established under Section 112(i) of the Act.

005 Notwithstanding any other provisions of these regulations, Sections 63.50 through 63.56 of Title 40 Code of Federal Regulations (CFR) Part 63, Subpart B, as amended at 67 Federal Register 16582 on April 5, 2002, pertaining to maximum achievable control technology determinations for emission units subject to case-by-case determination of equivalent emission limitations, are hereby adopted and incorporated by reference.

006 This section is reserved for requirements to be established under Section 112(r) of the Act.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 27, Nebraska Department of Environmental Quality

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Title 129 - Department of Environmental Quality

Chapter 28 - HAZARDOUS AIR POLLUTANT; EMISSIONS STANDARDS

001 Notwithstanding any other provisions of these regulations, the following "National Emission Standards for Hazardous Air Pollutants", published at 40 CFR Part 63, effective July 1, 2013, unless otherwise indicated are hereby adopted and incorporated herein:

001.01 General Provisions, Subpart A

001.02 Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, Subpart N

001.03 Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), Subpart R

001.04 Industrial Process Cooling Towers, Subpart Q

001.05 Halogenated Solvent Cleaning, Subpart T

001.06 Aerospace Industry (Surface Coating), Subpart GG

001.07 Secondary Lead Smelters, Subpart X

001.08 Wood Furniture Manufacturing (Surface Coating), Subpart JJ

001.09 Perchloroethylene Dry Cleaning Facilities, Subpart M

001.10 Butyl Rubber Production, Subpart U

001.11 Epoxy Resins Production and Non-Nylon Polyamides Production, Subpart W

001.12 Off-Site Waste and Recovery Operations, Subpart DD

001.13 Printing and Publishing Industry, Subpart KK

001.14 Tanks-Level 1, Subpart OO

001.15 Containers, Subpart PP

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- 001.16 Surface Impoundments, Subpart QQ
- 001.17 Individual Drain Systems, Subpart RR
- 001.18 Oil-Water Separators and Organic-Water Separators, Subpart VV
- 001.19 Polyethylene Terephthalate and Styrene Polymer Production, Subpart JJJ
- 001.20 Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, Subpart F
- 001.21 Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater, Subpart G
- 001.22 Organic Hazardous Air Pollutants for Equipment Leaks, Subpart H
- 001.23 Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Rulemaking for Equipment Leaks, Subpart I
- 001.24 Ethylene Oxide Emissions from Sterilization Facilities, Subpart O
- 001.25 Pulp and Paper Industry, Subpart S
- 001.26 Phosphoric Acid Manufacturing Plants, Subpart AA
- 001.27 Phosphate Fertilizers Production Plants, Subpart BB
- 001.28 Petroleum Refineries, Subpart CC
- 001.29 Magnetic Tape Manufacturing, Subpart EE
- 001.30 Oil and Natural Gas Production Facilities, Subpart HH
- 001.31 Primary Aluminum Reduction Plants, Subpart LL
- 001.32 Closed Vent Systems/Control Devices, Subpart SS
- 001.33 Equipment Leaks Control Level 1, Subpart TT
- 001.34 Equipment Leaks Control Level 2, Subpart UU
- 001.35 Storage Tanks Control Level 2, Subpart WW
- 001.36 Generic MACT Standards, Subpart YY

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- 001.37 Steel Pickling Plants (HCl Process and Hydrochloric Acid Regeneration Processes), Subpart CCC
- 001.38 Mineral Wool Production, Subpart DDD
- 001.39 Pharmaceutical Production, Subpart GGG
- 001.40 Natural Gas Transmission and Storage Facilities, Subpart HHH
- 001.41 Flexible Polyurethane Foam Production, Subpart III
- 001.42 Portland Cement Manufacturing, Subpart LLL
- 001.43 Pesticide Active Ingredient Production, Subpart MMM
- 001.44 Wool Fiberglass Manufacturing, Subpart NNN
- 001.45 Polyether Polyols Production, Subpart PPP
- 001.46 Primary Lead Smelting, Subpart TTT
- 001.47 Ferromanganese and Silicomanganese Production, Subpart XXX
- 001.48 Amino Phenolic Resins Production, Subpart OOO
- 001.49 Secondary Aluminum Production, Subpart RRR
- 001.50 Publicly Owned Treatment Works, Subpart VVV
- 001.51 Chemical Recovery Combustion Source at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills, Subpart MM
- 001.52 Solvent Extraction for Vegetable Oil Production, Subpart GGGG
- 001.53 Manufacturing of Nutritional Yeast, Subpart CCCC
- 001.54 Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units, Subpart UUU
- 001.55 Wet-Formed Fiberglass Mat Production, Subpart HHHH
- 001.56 Leather Finishing Operations, Subpart TTTT
- 001.57 Boat Manufacturing, Subpart VVVV
- 001.58 Metal Coil Surface Coating, Subpart SSSS
- 001.59 Cellulose Products Manufacturing, Subpart UUUU

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- 001.60 Hazardous Waste Combustion, Subpart EEE
- 001.61 Tire Manufacturing, Subpart XXXX
- 001.62 Large Appliance Surface Coating, Subpart NNNN
- 001.63 Paper and Other Web Coating, Subpart JJJJ
- 001.64 Municipal Solid Waste Landfills, Subpart AAAA
- 001.65 Flexible Polyurethane Foam Fabrication, Subpart MMMM
- 001.66 Refractory Products Manufacturing, Subpart SSSS
- 001.67 Hydrochloric Acid Production, Subpart NNNNN
- 001.68 Reinforced Plastics Composite Manufacturing, Subpart WWWW
- 001.69 Asphalt Processing and Asphalt Roofing Manufacturing, Subpart LLLLL
- 001.70 Industrial, Commercial and Institutional Boilers and Process Heaters (major sources), Subpart DDDDD
- 001.71 Industrial, Commercial, and Institutional Boilers (area sources), Subpart JJJJJJ
- 001.72 Integrated Iron and Steel, Subpart FFFFF
- 001.73 Metal Furniture Surface Coating, Subpart RRRR
- 001.74 Engine Test Cells and Stands, Subpart PPPP
- 001.75 Wood Building Products Surface Coating, Subpart QQQQ
- 001.76 Printing, Coating, and Dying of Fabrics and Other Textiles, Subpart OOOO
- 001.77 Site Remediation, Subpart GGGGG
- 001.78 Miscellaneous Organic Chemical Manufacturing, Subpart FFFF
- 001.79 Surface Coating of Metal Cans, Subpart KKKK
- 001.80 Miscellaneous Coating Manufacturing, Subpart HHHHH
- 001.81 Miscellaneous Metal Parts Surface Coating, Subpart MMMM
- 001.82 Lime Manufacturing, Subpart AAAAA

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- 001.83 Organic Liquids Distribution (Non-gasoline), Subpart EEEE
- 001.84 Stationary Combustion Turbines, Subpart YYYY
- 001.85 Surface Coating of Plastic Parts and Products, Subpart PPPP
- 001.86 Iron and Steel Foundries, Subpart EEEEE
- 001.87 Surface Coating of Automobiles and Light Duty Trucks, Subpart IIII
- 001.88 Reciprocating Internal Combustion Engines, Subpart ZZZZ
- 001.89 Coal and Oil Fired Electric Utility Steam Generating Units, Subpart
UUUUU
- 001.90 Reserved
- 001.91 Ethylene Manufacturing Process Units: Heat Exchange Systems and
Waste Operations, Subpart XX
- 001.92 Polyvinyl Chloride and Copolymers Production Area Sources, Subpart
DDDDDD
- 001.93 Primary Copper Smelting Area Sources, Subpart EEEEEEE
- 001.94 Secondary Copper Smelting Area Sources, Subpart FFFFFFF
- 001.95 Primary Nonferrous Metals Area Sources – Zinc, Cadmium, Beryllium,
Subpart GGGGGG
- 001.96 Acrylic and Modacrylic Fibers Production Area Sources, Subpart LLLLLL
- 001.97 Carbon Black Production Area Sources, Subpart MMMMMM
- 001.98 Chemical Manufacturing Area Sources: Chromium Compounds, Subpart
NNNNNN
- 001.99 Flexible Polyurethane Foam Production and Fabrication Area Sources,
Subpart OOOOOO
- 001.100 Lead Acid Battery Manufacturing Area Sources, Subpart PPPPPP
- 001.101 Wood Preserving Area Sources, Subpart QQQQQQ
- 001.102 Hospital Ethylene Oxide Sterilizers, Subpart WWWWWW
- 001.103 Electric Arc Furnace Steelmaking Facilities, Subpart YYYYYY

001.104 Iron and Steel Foundries Area Sources, Subpart ZZZZZ

001.105 Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, Subpart BBBBBB

001.106 Gasoline Dispensing Facilities, Subpart CCCCCC

001.107 Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, Subpart HHHHHH

001.108 Clay Ceramics Manufacturing, Subpart RRRRRR

001.109 Glass Manufacturing Area Sources, Subpart SSSSSS

001.110 Secondary Nonferrous Metals Processing, Subpart TTTTTT

001.111 Plating and Polishing Area Sources, Subpart WWWWWW

001.112 Metal Fabrication Area Sources, Subpart XXXXXX

001.113 Ferroalloys Production, Subpart YYYYYY

001.114 Aluminum, Copper, and Other Non-ferrous Foundries, Subpart ZZZZZZ

001.115 Chemical Manufacturing Area Source, Subpart VVVVVV

001.116 Asphalt Processing and Roofing Manufacturing, Subpart AAAAAA

001.117 Chemicals Preparation Facilities, Subpart BBBBBBB

001.118 Paints and Allied Products Manufacturing Area Sources, Subpart CCCCCC

001.119 Prepared Feeds Manufacturing, Subpart DDDDDDD

001.120 Gold Ore Mining, Subpart EEEEEEE

001.121 Polyvinyl Chloride and Copolymers Production, Subpart HHHHHHH

002 Should the source need assistance in determining the CFR requirements the Department will provide the needed information on request.

003 Operational Limits for Area Sources. Area sources subject to a standard adopted by reference in section 001, and specifically referenced in section 003, may accept operational limits to avoid the requirements associated with operating at the source's maximum design capacity or monthly throughput.

003.01 General Provisions. An owner or operator of a source may apply for coverage under this provision if the following criteria are met:

003.01A The Director has established operational limitations for the industry category in section 003.06.

003.01B The responsible official for the source certifies that it will comply with the applicable section(s) of this chapter.

003.01C Records are collected and maintained as described for each applicable section and retained for a period of not less than five years and made available to the Department for review upon request.

003.01D A source may change its status under section 003.06 without violating this rule by meeting the following requirements:

003.01D1 The owner or operator of the source must provide written notification to the Department of the intent to change status. The notification must be certified by the responsible official for the source;

003.01D2 The source must comply with the requirements for its industry category;

003.01D3 Once a source changes status, it is no longer eligible for coverage under Section 003.

003.02 Approval Procedures

003.02A Notice of Intent. The owner or operator of a source intending to be covered under this provision shall submit a complete Notice of Intent Form provided by the Department.

003.02B Department approval. Department approval of the Notice of Intent Form request shall be in writing. Upon approval, the source must comply with the applicable limitations specified in section 003.03 of this rule.

003.03 Duty to Comply. Each source approved for coverage under this provision must comply with all sections of this chapter applicable to the source. Any non-compliance shall constitute a violation of the State Act and the Act, and is grounds for enforcement action and/or for disapproval of the Notice of Intent to operate under this provision.

003.04 Compliance with Other Applicable Requirements. Compliance with the provisions of this chapter does not shield the owner or operator from the duty to comply with any other applicable requirement under Title 129 or the Act not specifically addressed in this chapter.

003.05 Duty to Provide Requested Information. Additional information, such as an annual emissions inventory as required in Chapter 6, or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other sources will not prevent attainment or maintenance of the ambient air quality standards specified in Chapter 4, must be provided upon Department request.

003.06 Industry Categories Eligible to Accept Operational Limits

003.06A A bulk gasoline terminal subject to section 001.105 Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, with a maximum calculated design throughput capacity greater than or equal to 20,000 gallons per day, may be approved to operate pursuant to the provisions of section 003 if the owner or operator certifies that the source will comply with sections 003.01 through 003.05 above and each of the following:

003.06A1 Limit actual gasoline throughput to less than 20,000 gallons per day; and

003.06A2 Maintain a daily record of actual gasoline throughput, in accordance with the provisions of section 003.01C; and,

003.06A3 Comply with the requirements specified in section 001.105 for bulk gasoline plants with a maximum design throughput capacity of less than 20,000 gallons per day.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(1)(12)

Legal Citation: Title 129, Ch. 28, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 29 - OPERATING PERMIT EMISSION FEES

001 Applicability. The provisions of this Chapter shall apply to any person who owns or operates a major source as defined in Chapter 2, who is required to obtain a Class I permit in accordance with Chapter 5.

002 Calculation of Fee. Beginning July 1, 1995, owners or operators of major sources, identified in 001 above, shall pay an annual emission fee for each ton of a regulated pollutant for fee purposes emitted to the air by the facility. Any temporary source issued a Class I permit under Chapter 10 shall pay an annual emission fee for emissions during the time period the source was located and operated in the State. The fee shall be based on the actual emission tonnages and as established in the emission inventory for the previous calendar year, beginning with calendar year 1994. For purposes of this Chapter, a pollutant which may be regulated under more than one provision of this Title, need only be counted once.

002.01 The emission fee shall be determined by multiplying \$25 per ton of regulated pollutant for fee purposes reported in the annual emission inventory report required in Chapter 6. The emission fee shall be increased or decreased annually by the Department in each year, beginning after 1991, by the percentage difference between the Consumer Price Index (CPI) for the most recent year ending before the beginning of such year and the CPI for the year 1989 or as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit programs as identified in Neb. Rev. Stat. §81-1505.04.

002.02 Except as provided in 002.03 below, the emission fee is due and payable on actual emissions up to and including 4,000 tons per year for each regulated pollutant.

002.03 In the case of an electric generation facility with a nameplate generating capacity of between seventy and one-hundred fifteen megawatts, beginning with calendar year 2001 emissions, the emission fee is due and

payable on actual emissions up to and including 400 tons per year for each regulated pollutant .

003 Any person subject to the requirements of this Chapter who fails to submit an annual emissions inventory report when required by Chapter 6 shall pay an annual emission fee based on the source's potential to emit as defined in Chapter 1.

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004 Payment of fees. Any person required to submit fees pursuant to this Chapter, shall submit the fees to the Director of the Department by check, or other authorized transfer, made payable to the Nebraska Department of Environmental Quality. The fees shall be due and payable on July 1 of each year, beginning with calendar year 1995, with submission of the annual emission inventory report form. All fees paid in accordance with this Chapter shall be non-refundable.

005 Failure to submit the fees required by this Chapter, in addition to other relief allowed by law, shall be cause for:

005.01 Revocation of the source's Class I operating permit; and

005.02 Assessment of a late payment fee of 20 percent of the payment due, which late payment fee shall be increased by an additional 10 percent of the original payment due for each additional 30 day period that the payment is late. Such late payment fee shall be payable to the Department as provided in 004.

006 If the Director determines that the annual emission inventory report form is incomplete or inaccurate for the purposes of calculation of fees under this Chapter, the Director may require the source to submit additional data or other information, as well as an explanation of the source's calculation. If such additional data or information changes the annual emission inventory report and results in the assessment of additional fees, such additional fees shall be payable within 30 days of notice of the assessment in accordance with 004 above.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1504; 81-1505(12)

Legal Citation: Title 129, Ch. 29, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 30 - OPEN FIRES

001 No person shall cause or allow any open fires.

002 Exceptions:

002.01 Fires set solely as part of a religious activity, for recreational purposes or for outdoor cooking of food for human consumption on non-commercial premises provided no nuisance or hazard is created.

002.02 Fires set for the purpose of training public and industrial fire fighting personnel.

002.03 Fires set in the operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of Chapter 20, Particulate Emissions; Limitations and Standards.

002.04 Fires set in an agricultural operation where no nuisance or traffic hazard is created. For the purpose of this regulation, "fires set in an agricultural operation" shall mean:

002.04A The burning of any trees or vegetation indigenous to the property of the owner or person in lawful possession of the land; and

002.04B The burning of any agriculturally related material that is potentially hazardous and where disposal by burning is recommended by the manufacturer. Such materials must have been used on the owner's property or person in legal possession of the said property.

002.05 Unless prohibited by local ordinances, fires set to destroy household refuse on residential premises containing ten or less dwelling units, by individuals residing on the premises and no nuisance or traffic hazard is created.

002.06 For the purpose of plant and wildlife and parks management, provided such burning is conducted by the Nebraska Game Commission, the United States Forest Service, the University of Nebraska, or other groups as determined by the Department.

002.07 Unless prohibited by local ordinances or regulations, fires set in compliance with a general open fire permit or a community open fire permit issued by the Department:

002.07A For the purpose of the destruction of dangerous materials, diseased

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vegetation or abatement of a fire hazard.

002.07B For the purpose of destruction of trees, brush and other vegetation removed from road and utility right-of-ways.

002.07C For the purpose of the destruction of trees, brush, vegetation and untreated lumber generated as a result of land clearing, and construction activities.

002.07D For the purpose of the destruction of straw used as a winter insulating cover on agricultural products.

002.07E For the purpose of destroying untreated wood and trees at community land disposal sites. (Materials being burned must be in an area separate from materials not being burned).

002.07F For the purpose of destruction of materials after cleanup from a natural disaster.

002.07G In compliance with rules for air curtain incinerators in Chapter 22, sections 001 and 007.

002.08 Permits for open fires as specified in this regulation will be granted only if there is no other practical means of disposal. Any burning of materials not specified in the burning permit may result in withdrawal of the permit.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 30, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 31 - COMPLIANCE ASSURANCE MONITORING

001 The provisions of 40 CFR Part 64, as in effect on July 1, 2001, for purposes of implementing the compliance assurance monitoring program, is hereby adopted and incorporated by reference.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(g)

Legal Citation: Title 129, Ch. 26, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 32 - DUST; DUTY TO PREVENT ESCAPE OF

001 Handling, Transportation, Storing. No person may cause or permit the handling, transporting or storage of any material in a manner which may allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates.

002 Construction, Use, Repair, Demolition. No person may cause or permit a building or its appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures to prevent particulate matter from becoming airborne so that it remains visible beyond the premises where it originates. The Director may require such reasonable measures as may be necessary to prevent particulate matter from becoming airborne, including but not limited to paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover.

003 Notwithstanding any other provision of this Chapter, the Department shall not regulate emissions from normal farming practices, on-farm crop drying and handling, and animal feeding activities, provided that reasonable and practical measures to limit particulate matter from such sources are utilized.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 32, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 33 - COMPLIANCE; TIME SCHEDULE FOR

001 Except as otherwise noted in specific emission control regulations, compliance with these regulations shall be according to the following schedule:

001.01 All new or modified installations that required approval under the provisions of Chapter 17 shall be in compliance with all applicable emission control regulations at start-up after the effective date of the applicable emission control regulation. Provided, however, such installation may, at the request of the operator and under conditions approved by the Department, be operated for such specified time periods as are required to make necessary adjustments on the equipment. Compliance must be demonstrated in conformance with Chapter 34.

001.02 All existing installations and open burning operations subject to Chapter 5, 001.01 and 001.02 shall be in compliance with these regulations within 180 days after the effective date of these regulations and shall certify compliance and state the method used to determine compliance, unless the person responsible for the operation of such installation or open burning operation has submitted a request to, and received a variance from, the Department to continue such operation in nonconformance with the regulations for a specified period of time beyond the 180 day period provided for compliance.

001.03 All requests for variance as provided for in Neb. Rev. Stat. §81-1513 shall be submitted in writing to the Department and, in addition to statutory requirements, shall contain the following information:

001.03A A description of the particular operation or installation affected.

001.03B The reason for being unable to meet the requirements for these regulations.

001.03C A specific time schedule showing increments of progress toward compliance, including:

001.03C1 Date of submittal of the source's final control plan to the appropriate air pollution control agency;

001.03C2 Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

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001.03C3 Date of initiation of on site construction or installation of emission control equipment or process change;

001.03C4 Date by which on site construction or installation of emission control equipment or process modification is to be completed; and

001.03C5 Date by which final compliance is to be achieved.

001.03D The notarized signature of the person responsible for the operation or installation.

001.03E Any other supporting documentation specifically requested by the Department and deemed pertinent to consideration of the individual request.

002 Compliance schedules requiring more than 12 months to conform with applicable rules and regulations to meet National Primary and Secondary Ambient Air Quality Standards will be accomplished in progressive steps. A report will be made in writing to the Director within 5 days after each step is completed.

003 Failure to meet time schedules approved in accordance with Sections 001.02 and 001.03 of this Chapter of this regulation shall constitute a violation of these regulations unless a request to amend the time schedule is received at least 30 days before the end of any specified period approved for a particular activity. Such a request to amend the schedule shall contain the same type of information as required for the initial request for variance as described in Section 001.03 of this Chapter.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2)(4)(11)(25); 81-1505(12); 81-1513(1) to (7)

Legal Citation: Title 129, Ch. 33, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 129 – Department of Environmental Quality

Chapter 34 – EMISSION SOURCES; TESTING; MONITORING

001 The Department may order any person responsible for the operation of an emission source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe on the basis of estimates of potential contaminant emissions rates from the source and due consideration of probable efficiency of any existing control device, or visible emission determinations made by an official observer, that existing emissions exceed the limitations required in these control regulations. Such tests may also be required pursuant to verifying that any newly installed control device meets performance specifications. Should the Department determine that the test did not represent normal operating conditions or emissions, additional tests may be required.

002 Required tests shall be conducted in accordance with the following test methods and procedures, as applicable:

002.01 40 CFR Part 51, Appendix M, effective July 1, 2002

002.02 40 CFR Part 60, Appendices A,B,C,F, effective July 12, 2002

002.03 40 CFR Part 61, Appendix B, effective July 1, 2002

002.04 40 CFR Part 63, Appendix A, effective July 1, 2002

002.05 40 CFR Part 266, Appendix IX, effective July 1, 2002

002.06 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (3rd Edition) (November 1986) and its Updates I, II, IIA, IIB, III, IIIA, IIIB, IVA and IVB.

002.07 Such tests shall be conducted by reputable, qualified individuals. A certified written copy of the test results signed by the person conducting the test shall be provided to the Department within 60 days of completion of the test unless a different period is specified in the underlying requirements of an applicable Federal Rule.

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003 The owner or operator of a source shall provide the Department 30 days notice prior to testing to afford the Department an opportunity to have an observer present. The Department may, in writing, approve a notice of less than 30 days. If the testing is pursuant to an underlying requirement contained in a federal rule, the notice provisions of the underlying requirement apply.

004 The Department may conduct tests of emissions of contaminants from any stationary source.

004.01 Upon written request from the Department, the person responsible for the source to be tested shall cooperate with the Department in providing all necessary test ports in stacks or ducts and such other safe and proper facilities, exclusive of instruments and sensing devices, as may be reasonably required to conduct the test with due regard being given to expenditures and possible disruption of normal operations of the source.

004.02 A report concerning the findings of such tests shall be furnished to the person responsible for the source upon request.

005 A continuous monitoring system for the measurement of opacity shall be installed and placed in operation by the owner or operator of any fossil fuel-fired steam generator with greater than 250 million BTUs per hour heat input. Exemptions from this requirement will be made if gaseous fuel and oil is the only fuel burned and the source has never been out of compliance with Chapter 20 of these regulations. Installation, calibration, operation and reporting shall be in accordance with the procedures specified in 40 CFR Part 60.

006 The Director may require the owner or operator of any other emission source which is subject to the provisions of these regulations to install, use and maintain such monitoring equipment as is required to demonstrate continuing compliance with any applicable emissions limitations, and to maintain records and make reports regarding such measured emissions to the Department in a manner and on a schedule to be determined by the Director.

007 When a new or modified stationary source becomes operational, the owner or operator will conduct performance tests, if required, within 60 days after reaching maximum capacity but not later than 180 days after the start-up of operations. Failure to meet established performance standards will result in withdrawal of the provisional approval granted to operate the new or modified stationary source. Final approval and issuance of an operating permit will be withheld for operation of the affected facility until such time as the owner or operator has corrected the deficiencies determined by the performance tests. Upon satisfactory accomplishment of a valid series of performance tests, approval for operation of the new or modified stationary source will be granted through issuance of an operating permit in accordance with Chapter 5.

008 Notwithstanding any other provisions of this Title, the following methods may be

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used to determine compliance with applicable requirements:

008.01 A monitoring method approved for the source and incorporated in an operating permit pursuant to Chapter 8;

008.02 Any compliance test method specified in the State Implementation Plan;

008.03 Any test or monitoring method approved for the source in a permit issued pursuant to Chapters 17, 19, or 27;

008.04 Any test or monitoring method provided for in this Title; or

008.05 Any other test, monitoring, or information-gathering method that produces information comparable to that produced by any method described in 008.01 through 008.04.

009 Predictive Emissions Monitoring System (PEMS) requirements. Where allowed by the Department, the owner or operator of any PEMS used to meet a pollutant monitoring requirement must comply with the following:

009.01 The PEMS must predict the pollutant emissions in the units of the applicable emission limitations.

009.02 Monitor diluent, either O₂ or CO₂ when applicable:

009.02A Using a CEMS:

009.02A1 In accordance with 40 CFR Part 60 Appendix B, Performance Specification 3 for diluent; or

009.02A2 With a similar alternative method approved by the Director and EPA; or

009.02B Using a PEMS with a method approved by the Director and EPA.

009.03 Any PEMS shall meet the requirements of 40 CFR Part 75, Subpart E except as provided in section 009.05.

009.04 The owner or operator of any PEMS installed subsequent to adoption of Chapter 34, section 009 shall perform the following initial certification procedures:

009.04A Conduct initial Relative Accuracy Test Audit (RATA) at low, medium, and high operating levels using 40 CFR Part 60, Appendix B:

009.04A1 Performance Specification 2, subsection 8.4 (pertaining to NO_x) in terms of the applicable standard (in ppmv, lb/MMBtu, or g/hp-hr). except the relative accuracy shall be 10%, or within 2 ppm absolute

difference;

009.04A2 Performance Specification 3, subsections 8 and 13.2 (pertaining to O₂ or CO₂); and

009.04A3 Performance Specification 4, subsections 8 and 13.2 (pertaining to CO), for owners or operators electing to use a CO PEMS; and

009.04B Conduct a t-test, an F-test, and a correlation analysis using 40 CFR Part 75, Appendix A, section 7.6 and section 75.41(c)(1) and (2) at low, medium, and high load levels.

009.04B1 Calculations shall be based on a minimum of 27 successive emission data points at each tested level which are at least seven-minute averages;

009.04B2 The t-test and the correlation analysis shall be performed using all data collected at the three tested levels;

009.04B3 The correlation analysis may be waived following review of the waiver request submittal if:

(a) The process design is such that it is technically impossible to vary the process to result in a concentration change sufficient to allow a successful correlation analysis statistical test. Any waiver request must also be accompanied with documentation of the reference method measured concentration. The waiver is to be based on the measured value at the time of the waiver. Should a subsequent RATA effort identify a change in the reference method measured value by more than 30%, the statistical test must be repeated at the next RATA effort to verify the successful compliance with the correlation analysis statistical test requirement; or

(b) The data for a measured compound (e.g., NO_x, O₂) are determined to be autocorrelated according to the procedures of 40 CFR §75.41(b)(2). A complete analysis of autocorrelation with support information shall be submitted with the request for waiver. The statistical test shall be repeated at the next RATA effort to verify the successful compliance with the correlation analysis statistical test requirement.

009.04B4 Allowable Test Adjustments

(a) For either NO_x or CO and for the purpose of conducting an f-

test, if the standard deviation of the EPA reference method is less than either 3% of the span or five parts per million (ppm), use an EPA reference method standard deviation of either five ppm or 3% of span.

(b) For the diluent CO₂ or O₂, and for the purpose of conducting an f-test, if the standard deviation of the reference method is less than 3% of span, use an EPA reference method standard deviation of 3% of span.

(c) For either NO_x or CO and at any one test level, if the mean value of the EPA reference method is less than either ten ppm or 5% of the standard, all statistical tests are waived for that emission parameter at that specific test level.

(d) For the diluent O₂ or CO₂ and at any one test level, if the mean value of the reference method is less than 3% of span, all statistical tests are waived for that diluent parameter at that specific test level.

009.04C All requests for waivers shall be submitted to the Department for review and approval. The Director shall approve or deny each waiver request;

009.04D The owner or operator shall, for each alternative fuel fired in a unit, certify the PEMS in accordance with sections 009.04A and 009.04B unless the alternative fuel effects on NO_x, CO, and O₂ (or CO₂) emissions were addressed in the model training process.

009.04E The PEMS shall be subject to the approval of the Director.

009.05 The owner or operator may vary from sections 009.03 or 009.04 if the owner or operator:

009.05A Demonstrates to the satisfaction of the Director that the alternative is substantially equivalent to the requirements; or

009.05B Demonstrates to the satisfaction of the Director that the requirement is not applicable.

010 Applying for Approval of a PEMS system

010.01 Owners or operators shall submit the following information in the application for certification or recertification of a predictive emissions monitoring system. Approval to use PEMS will be limited to the specific unit and fuel type for which certification testing was conducted. Any future change in the type or

composition of the fuel, or combustion characteristics of the boiler, will require that the PEMS be recertified, unless the PEMS was initially constructed to account for different fuel types and/or compositions. In this case, fuel switching would be permitted without recertification. Owners or operators may attempt to justify that a slight change in fuel composition does not affect emissions and the PEMS does not need be recertified. The approval of such justification will be determined by the Director.

010.02 Owners or operators shall submit the following:

010.02A Source identification information including unit description, heat rate, and fuel type.

010.02B A general description of the software and hardware components of the PEMS including manufacturer, type of computer, name(s) of software product(s), and monitoring technique (e.g. method of emission correlation). Manufacturer literature and other similar information shall also be submitted, as appropriate.

010.02C A detailed description of the predictive emissions monitoring system. Identify all operational parameters or ambient conditions which are determined to have an effect on the predicted emissions. If the PEMS is developed on the basis of physical principles, identify any specific physical assumptions or mathematical manipulations made that justify suitability of the model. If the PEMS is developed on the basis of linear or nonlinear regression analysis, submit the paired raw data used in developing or training the model and specifically identify the tested operating range for every input parameter and the number of data points used in the development of the model.

010.02D A detailed description of the hardware CEMS or the reference method used during the testing period.

010.02E Data collection procedures including location of the sampling probe and methods to ensure accurate representativeness of emissions being measured.

010.02F A detailed description of all PEMS operation, maintenance, and quality assurance and control procedures to be implemented.

010.02G Identification of all sensors pertaining to the PEMS and a detailed description of the sensor validation procedure and calibration frequency for each sensor.

010.02H Description of monitor reliability, accessibility, and timeliness analysis from section 011.

010.02I A description of the method used to calculate heat input, if applicable.

010.02J Data, calculations, and results of the RATA test and the statistical tests performed at all three loads and fuel types as listed under 40 CFR 75.48(a) (3).

010.02K Data plots as specified in 40 CFR 75.41(a) (9) and 75.41(c) (2) (i).

010.02L A summary of all results and calculations which demonstrates that PEMS is equivalent in performance to that of the certified hardware CEMS or EPA reference method.

011 Quality Assurance Procedure for PEMS. The owner or operator must develop and implement a quality assurance and quality control (QA/QC) manual for the PEMS and its components. The manual should include daily, quarterly, and semiannual or annual assessment procedures or operations to ensure continuous and reliable performance of the PEMS. The QA/QC manual should also include a ready and detailed specific corrective action plan that can be executed at times when the monitoring systems are inoperative. The QA/QC manual shall be placed in a readily accessible location on the plant site. Owners or operators must assign the responsibility of implementing the QA/QC manual to designated employees and must ensure at all times that these employees have the technical and practical training needed to execute this plan.

011.01 Daily Assessment. Identify any specific steps, measures, or maintenance plans that can be taken to ensure proper functioning of the monitoring systems. Develop a plan to detect any thermocouple, flow monitoring, and sensor failures. If the PEMS is developed to operate in a specific operating range, develop a plan that will ensure continuous operation within the specified operating range. It is the responsibility of the owner or operator to make sure that the model is trained over a wide range of operating parameters. Operation outside any of the operating ranges will be considered monitor downtime.

011.02 Quarterly Assessment. The owner or operator must develop and implement a plan that will ensure proper accuracy and calibration of all operational parameters that affect emissions and serve as input to the predictive monitoring system. All sensors must be calibrated as often as needed but never to exceed the time recommended by the manufacturers, for the specific applications these sensors are being used.

011.03 Semiannual or Annual Assessment. Following initial RATA, conduct RATA semiannually, pursuant to 009.04A, at normal load operations, for each unit. If the relative accuracy for the initial or most recent audit for the NO_x, CO, CO₂, (or O₂) monitors is 7.5 percent or less, subsequent RATA may be performed on an annual basis.

012 PEMS Partial Certification. In certain cases, the owner or operator may not be able to adjust all of the parameters of the model over the entire desired range of operation at one time. In this case, the owner or operator may certify the PEMS in a restricted range of operation in accordance with the PEMS certification procedure.

012.01 If, at a later date, the owner or operator wishes to operate outside the demonstrated range of the certified PEMS, the owner or operator may extend the demonstrated range by certifying at a new range within 60 days of cumulative operation of the parameter at that range.

013 Monitor downtime periods for PEMS include the following:

013.01 Operating out of range of any operational parameters that affect NOx.

013.02 One or more sensor failures

013.03 Uncertified fuel switching or fuel composition changes unless approved.

013.04 Failing the RATA or any applicable statistical tests. If a PEMS fails the RATA or statistical tests, downtime is the time corresponding to the completion of the sampling that results in the failure, until the time corresponding to the completion of the subsequent successful sampling.

013.05 Failure of any quality assurance procedure specified in accordance with 011.

013.06 Failure to complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15 minute period of emission unit operation.

014 PEMS Adjustments and Tuning. Adjustments and tuning are permissible provided that the date, reasons, and details of the PEMS adjustments are documented, submitted to the Department and the documentation placed in an accessible location on the plant site, suitable for inspection. The Department must be able to identify, at any time, that the PEMS for any unit has been inspected, the occurrence of the last PEMS adjustment, and the last RATA performed for that unit. The PEMS must be retrained on an augmented set of data which includes the set of data used for training the model prior to adjustment and the newly collected set of data needed for adjustment of the model. When PEMS retraining is performed within the demonstrated range of certification, no RATA testing is required. No tampering with the PEMS is allowed during periods when no PEMS adjustments or tuning are being performed.

015 Notification, recordkeeping, and reporting. Owners or operators using predictive emissions monitoring systems shall maintain for each unit a file of all measurements, data, reports, and other information in a form suitable for inspection for at least five years from the date of each record.

015.01 Notification.

015.01A The owner or operator shall submit written notification to the Department in accordance with Chapter 34 of the date of any predictive emissions monitoring system (PEMS) relative accuracy test audit (RATA).

015.01B The owner or operator shall submit to the Department a copy of results of any PEMS RATA and statistical testing conducted in accordance with section 011.03.

015.02 Recordkeeping. The owner or operator shall maintain written or electronic records of the data specified below. Such records shall be kept for a period of at least five years and shall be made available upon request by authorized representatives of the Department or EPA. The PEMS monitoring records shall include:

015.02A Hourly emissions in units of the standard and fuel usage (or stack exhaust flow)

015.02B Records to verify minimum data collection requirement of one cycle of operation (sampling, analyzing and data recording) for each successive 15 minute period of emission unit operation.

015.02C Pounds per million British thermal units (lb/MMBtu) heat input;

015.02D Detailed records of any daily, quarterly, and semiannual or annual quality assurance programs or monitoring plans.

015.02E Compliance with the applicable recordkeeping requirements of 40 CFR 75.57 (d) and (e).

015.02F Compliance with the certification, quality assurance and quality control record provisions of 40 CFR 75.59, (a)(5),(6), and (7).

015.03 Reporting. The owner or operator of a unit approved to utilize a PEMS for demonstrating continuous compliance, shall report in writing to the Department on a quarterly basis the monitoring system performance and any exceedance of the applicable emission standard. All reports shall be postmarked or received by the 30th day following the end of each calendar quarter. Written reports shall include the following information:

015.03A The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, the date and time of commencement and completion of each time period of excess emissions, and the unit operating time during the reporting period;

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015.03B Specific identification of each period of excess emissions that occurs during start-ups, shutdowns, and malfunctions of the affected unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted;

015.03C The date and time identifying each period during which the continuous monitoring system was inoperative or down as described in section 013 and the nature of the system repairs or adjustments;

015.03D The results of any quality assurance assessments conducted during the quarter;

015.03E When no excess emissions have occurred or the continuous monitoring system has not been inoperative, repaired, or adjusted, such information shall be stated in the report.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2)(11); 81-1505(12)(16)

Legal Citation: Title 129, Chapter 35, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 35 - COMPLIANCE; EXCEPTIONS DUE TO STARTUP, SHUTDOWN, OR MALFUNCTION

001 Upon receipt of a notice of excess emissions issued by the Department the source to which the notice is issued may provide information showing that the excess emissions were the result of a malfunction, start-up, or shutdown. Based upon any information submitted by the source operator, and any other pertinent information available, the Director shall make a determination whether the excess emissions constitute a malfunction, start-up, or shutdown, and whether the nature, extent and duration of the excess emissions warrant enforcement action. In determining whether enforcement action is warranted, the Director shall consider the following:

001.01 Whether the excess emissions during start-up, shutdown or malfunction, occurred as a result of safety, technological or operating constraints of the control equipment, process equipment, or process.

001.02 Whether the air pollution control equipment, process equipment, or processes were maintained and operated to the maximum extent practical for minimizing emissions.

001.03 Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring.

001.04 Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of such emissions.

001.05 Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality.

002 The information provided by the source operator under 001 shall include, at a minimum, the following:

002.01 Name and location of installation.

002.02 Name and telephone number of the person responsible for the installation.

002.03 The identity of the equipment causing the excess emissions.

002.04 The time and duration of the period of excess emissions.

002.05 The cause of the excess emissions.

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002.06 The type of air contaminant involved.

002.07 A best estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude.

002.08 The measures taken to mitigate the extent and duration of the excess emissions.

002.09 The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of such situations.

003 The information specified in 002 shall be submitted to the Director not later than 15 days after receipt of the notice of excess emissions.

004 Planned Start-Up and Shutdown Reporting.

The owner or operator of an installation subject to this chapter shall notify the Director, in writing, whenever a planned start-up or shutdown may result in excess emissions. This notice shall be mailed no later than 10 days prior to such action, and shall include, but not be limited to, the following information:

004.01 Name and location of the installation.

004.02 Name and telephone number of the person responsible for the installation.

004.03 The identity of the equipment which may cause excess emissions.

004.04 Reasons for proposed shutdown or start-up.

004.05 Duration of anticipated period of excess emissions.

004.06 Date and time of proposed shutdown or start-up.

004.07 Physical and chemical composition of pollutants whose emissions are affected by the action.

004.08 Methods, operating data, and/or calculations used to determine these emissions.

004.09 Quantification of emissions during such action in the units of the applicable emission control regulation.

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004.10 All measures planned to minimize the extent and duration of excess emissions during the shutdown and ensuing start-up.

005 Malfunction and Unplanned Shutdown Reporting. The owner or operator of an installation subject to this chapter shall notify the director, in writing, whenever emissions due to malfunctions, unplanned shutdowns or ensuing start-ups are, or may be, in excess of applicable emission control regulations. Such notification shall be mailed within 48 hours of the beginning of each period of excess emissions, and shall include, but not be limited to, the information required by 004. This notice is not required provided the following conditions are met:

005.01 A certified continuous emissions monitor is in operation throughout the duration of the period of malfunction, shutdown or ensuing start-up; and

005.02 The period of malfunction, shutdown or ensuing start-up is less than 1 hour in duration.

006 The Director shall make a determination of whether or not excess emissions were due to start-up, shutdown, or malfunction, and what, if any, enforcement action should be taken. The Director will consider the following in making his determination:

006.01 All notification requirements of the chapter have been met.

006.02 The malfunction, shutdown, or start-up did not result entirely or in part from poor maintenance, careless operation, or any other preventable upset conditions or equipment breakdowns.

006.03 All reasonable steps were taken to correct the conditions causing the excess emissions, as expeditiously as practicable, including the use of off-shift labor and overtime if necessary.

006.04 All reasonable steps were taken to minimize the emissions and their effect on air quality.

006.05 The malfunction or shutdown is not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

006.06 The excess emissions are not a threat to public health or ambient air quality.

007 If the Director determines that the reporting requirements of 002 and/or 004 are

Effective Date 6/15/2011 (Rev 9/07/1997)

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inappropriate to a particular installation, he may establish other reporting requirements which are sufficient to allow the determinations described in 006.

008 Nothing in this regulation shall be construed to limit the authority of the Director to take appropriate action to enforce the provisions of the Nebraska Environmental Protection Act, and the regulations promulgated thereunder.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2)(11); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 35, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 36 - CONTROL REGULATIONS; CIRCUMVENTION, WHEN
EXCEPTED

001 No person shall cause or permit the installation or use of any machine, equipment, device or other article, or alter any process in any manner which conceals or dilutes the emissions of contaminants without resulting in a reduction of the total amounts of contaminants emitted.

002 Exception to 001 may be granted by the Department, upon request, provided that such action is intended to convert the physical and/or chemical nature of the contaminant emission and that failure to reduce total contaminant emissions results solely from the introduction of contaminants which are not deemed to be detrimental to the public interest.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)

Legal Citation: Title 129, Ch. 36, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 37 - COMPLIANCE; RESPONSIBILITY OF OWNER/OPERATOR PENDING
REVIEW BY DIRECTOR

Application for review of plans or advice furnished by the Director will not relieve an owner or operator of a new or modified stationary source of legal compliance with any provision of these regulations, or prevent the Director from enforcing or implementing any provision of these regulations.

Enabling Legislation: Neb. Rev. Stat. §81-1504(1)(2)(11); 81-1505(12)(16)

Legal Citation: Title 129, Chapter 37, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 38- EMERGENCY EPISODES; OCCURRENCE AND CONTROL, CONTINGENCY PLANS

001 Whenever the Director finds that an emergency exists requiring immediate action to protect the public health and welfare, he shall issue an announcement to the general public. In addition, he is required to issue an order, showing the date of issuance, stating the existence of such an emergency and requiring such action be taken as deemed necessary to meet the emergency. The Director shall hold a hearing on the emergency order 10 days after its issuance if requested in accordance with Neb. Rev. Stat. §81-1507(4).

002 Regulations which shall be enforced in the event of an Air Pollution Emergency Episode are attached hereto as Appendix I and hereby incorporated in these regulations the same as if set out herein verbatim. Appendix I is designed to prevent the excessive buildup of air pollutants to concentrations which can result in an imminent and substantial danger to public health.

003 Episode Criteria.

003.01 Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Director will be guided by the following:

003.01A Air Pollution Forecast - An internal watch by the Department shall be actuated by National Weather Service Advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.

003.01B Alert - The "Alert" level is defined as that concentration of pollutants which require initiation of first stage emission control actions. An air pollution "Alert" will be declared when any one of the following levels is reached at any monitoring site:

SO₂ - 800 ug/m³ (0.3 ppm), 24 hour average

PM₁₀ - 350 ugs/m³, 24 hour average

CO - 17 mg/m³ (15 ppm), 8 hour average

Ozone (O₃) - 400 ug/m³ - (0.2 ppm) 1 hour average

NO₂ - 1130 ug/m³ (0.6 p.p.m.), 1 hour average;

282 ug/m³ (0.15 ppm), 24 hour average.

and, that meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

003.01C Warning - The "Warning" level indicated that air quality is continuing to degrade - pollutant concentrations are increasing - and that additional control actions are necessary. An air pollution "Warning" will be declared when any one of the following levels is reached at any monitoring site:

SO₂ - 1600 ug/m³ (0.6 ppm), 24 hour average

PM₁₀ - 420 ug/m³, 24 hour average

CO - 34 mg/m³ (30 ppm), 8 hour average

Ozone (O₃) - 800 ug/m³ (0.4 ppm), 1 hour average

NO₂ - 2260 ug/m³ (1.2 ppm), 1 hour average;

565 ug/m³ (0.3 ppm), 24 hour average.

and, meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

003.01D Emergency - The "Emergency" level indicated that air quality is continuing to degrade to a level that should never be reached, totally unacceptable, and that the most stringent actions are necessary. An air pollution "Emergency" will be declared when any one of the following levels is reached at any monitoring sites:

SO₂ - 2100 ug/m³, (0.8 ppm), 24 hour average

PM₁₀ - 500 ugs/m³, 24 hour average

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CO - 46 mg/m³ (40 ppm), 8 hour average

Ozone (O₃) - 1000 ug/m³ (0.5 ppm), 1 hour average

NO₂ - 3000 ug/m³ (1.6 ppm), 1 hour average;

750 ug/m³ (0.4 ppm), 24 hour average.

and, meteorological conditions are such that this condition can be expected to continue for 12 or more hours.

003.01E Termination - When any of the above three levels of air pollution has been declared (by virtue of pollutant concentrations meeting the defined criteria for the level) the declared level will remain in effect until the concentrations fall below the specified criteria. The new lower level(s) will be assumed until the pollutant concentrations decrease below the criteria defined for the "alert" level, at which time the episode will be declared "terminated". The concomitant "emission reduction actions" for any declared level cannot be relaxed until the declared level criteria are determined to be no longer met.

004 Emission Reduction Plans.

004.01 Air Pollution Alert - When the Director declares an Air Pollution Alert, any person responsible for the operation of a source of air pollutants as set forth in Appendix I, Paragraph 1.1 shall take all Air Pollution Alert actions as are required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Alert.

004.02 Air Pollution Warning - When the Director declares an Air Pollution Warning, any person responsible for the operation of a source of air pollutants as set forth in Appendix I, Paragraph 1.2 shall take all Air Pollution Emergency Actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Warning.

004.03 Air Pollution Emergency - When the Director declares an Air Pollution Emergency, any person responsible for the operation of a source of air pollutants as described in Appendix I, Paragraph 1.3 shall take all Air Pollution Emergency Actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Emergency.

004.04 When the Director determines that a specified criteria level has been reached at

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one or more monitoring sites solely because of emissions from a limited number of sources, he shall notify such source(s), that the preplanned abatement strategies of Appendix I, Paragraph 1.2 and 1.3 or of the standby plans are required insofar as it applies to such source(s), and shall be put into effect until the criteria of the specified level are no longer met.

005 Preplanned Abatement Strategies.

005.01 Any person responsible for the operation of a source of air pollutants as set forth in Appendix I, Paragraph 1.4 shall prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Appendix I, Paragraph 1.1, 1.2, and 1.3 which are made a part of this section.

005.02 Any person responsible for the operation of a source of air pollutants not set forth under Appendix I, Paragraph 1.4 shall, when requested by the Director in writing, prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth as above.

005.03 Standby plans as required under sections 005.01 and 005.02 of this Chapter shall be in writing and identify the sources of air pollutants, the approximate amount of reduction of pollutants and a brief description of the manner in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency.

005.04 During a condition of Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency, standby plans as required by this section shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

005.05 Standby plans as required by this section shall be submitted to the Director upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If, in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in Appendix I, Paragraphs 1.1, 1.2 and 1.3, the Director may disapprove it, state his reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

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Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(1)(12)(16);
81-1507(4)

Legal Citation: Title 129, Ch. 38, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 39 - VISIBLE EMISSIONS FROM DIESEL-POWERED MOTOR VEHICLES

001 No person shall operate a diesel-powered motor vehicle on any public street or highway in such a manner that smoke discharged from the exhaust is of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or an equivalent opacity of twenty percent (20%) for ten (10) consecutive seconds or longer. A suspected violator may demand that the suspected vehicle be tested by an approved smokemeter prior to a trial on the alleged violation.

002 Smokemeter tests shall be conducted (a) by or under the supervision of a person or testing facility authorized by the Director to conduct such tests, and (b) by installing an approved smokemeter on the exhaust pipe and operating the suspected vehicle in a manner similar to the manner of operation at the time of the alleged violation.

Enabling Legislation: Neb. Rev. Stat. §60-2203

Legal Citation: Title 129, Ch. 39, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 40 - GENERAL CONFORMITY

001 Notwithstanding any other provisions of these regulations, Subpart B of Title 40 Code of Federal Regulations (CFR) Part 93, pertaining to Determining Conformity of General Federal Actions to State or Federal Implementation Plans, as published in the Federal Register on November 30, 1993, is hereby adopted and incorporated herein with exceptions as noted in 002 through 005.

002 The provisions of 001 apply only within that area of Douglas County designated nonattainment for lead in 40 CFR 81.328 (November 6, 1991).

003 Section 93.151 is not included in this incorporation by reference.

004 Subsection 93.160(f) shall be modified as follows:

(f) Written commitments to mitigation measures must be obtained prior to a positive conformity determination and such commitment must be fulfilled.

005 Subsection 93.160(g) shall be modified as follows:

(g) After the effective date of this incorporation by reference and EPA's approval, any agreements, including mitigation measures, necessary for a conformity determination will be both State and federally enforceable. Enforceability through the Nebraska State Implementation Plan will apply to all persons who agree to mitigate direct and indirect emissions associated with a Federal action for a conformity determination.

Enabling Legislation: Neb. Rev. Stat. §81-1504

Legal Citation: Title 129, Ch. 40, Nebraska Department of Environmental Quality

Title 129 - Department of Environmental Quality

Chapter 41 - GENERAL PROVISIONS

001 Failure to comply with the requirements of these regulations may be grounds for administrative enforcement proceedings as provided by Neb. Rev. Stat. §81-1507 or penalties in proceedings brought in the discretion of the County Attorney or Attorney General pursuant to Neb. Rev. Stat. §81-1508 or in the case of Chapter 39, pursuant to Neb. Rev. Stat. §60-2211.

002 If any clause, paragraph, subsection or section of these regulations shall be held invalid, it shall be conclusively presumed that the Council would have enacted the remainder of these regulations not directly related to such clause, paragraph, subsection or section.

003 Any appeal from any final order or final determination of the Director shall be pursuant to Neb. Rev. Stat. §81-1509.

004 These rules and regulations may be amended, or repealed, pursuant to Title 115, Rules of Practice and Procedure of the Department, which procedure shall conform in all respects to Neb. Rev. Stat. §§84-901 to 84-919, as amended.

005 These rules and regulations shall become effective five (5) days after filing with the Secretary of State. Upon adoption of these rules and regulations, the prior, inconsistent rules and regulations shall be repealed.

006 Permits issued under these regulations are exempt from financial responsibility requirements contemplated in Neb. Rev. Stat. §81-1505(21)(a).

007 All material adopted by reference is available and on file with the Department and with the Secretary of State. References to the CFR and the FR contained in this Title are to the Code of Federal Regulations and Federal Register, respectively, published by the U. S. Government Printing Office.

Enabling Legislation: Neb. Rev. Stat. §§84-901 through 84-919; 81-1504(13); 81-1505(17) and (21)(a); 81-1506; 81-1507; 81-1508; 81-1509; 60-2211

Legal Citation: Title 129, Ch. 41, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 42 – PERMITS-BY-RULE

001 General Provisions. An owner or operator of a source may apply for coverage under a permit-by-rule if the following criteria are met:

001.01 The source, including any proposed emission units, is not subject to review under the prevention of significant deterioration program in Chapter 19 of this Title, nor will it be operated as a major source pursuant to the Class I operating permit program under Chapter 5 of this Title.

001.02 The permit-by-rule provisions shall not supersede any applicable federal regulations such as New Source Performance Standards.

001.03 The Director has established a permit-by-rule for the industry category in this chapter.

001.04 The responsible official for the source certifies that it will comply with the applicable permit-by-rule.

001.05 The source defines its plant boundaries (consistent with worst case modeling) and prohibits access, to the Department's satisfaction, by the general public to plant operations and to non-ambient air which is potentially harmful to human health.

001.06 Unless specifically authorized by the permit-by-rule, the source will not be located or relocated in a non-attainment area or within five miles of Weeping Water, Nebraska.

001.07 Records shall be collected and maintained as described for each applicable permit-by-rule and retained for a period of not less than five years and shall be made available to the Department for review upon request.

002 Construction Permits. Any source approved for coverage under a permit-by-rule shall be considered to have fulfilled the duty to obtain a construction permit under Chapter 17 of this Title, unless required to do so elsewhere under this Title or the Act. For approved sources, compliance with the permit-by-rule shall take precedence over requirements of previously issued construction permits applicable solely to the approved source, except for provisions in sections 002.01 and 002.02.

002.01 The permit-by-rule provisions of this chapter may not supersede more stringent

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requirements which are contained in previously issued construction permits, unless a site specific technical demonstration is submitted which shows that these more stringent requirements are unnecessary to protect the NAAQS or PSD increment.

002.02 The permit-by-rule provisions of this chapter may not supersede requirements to limit a source's potential to emit which are contained in previously issued construction permits, unless the owner/operator can demonstrate that there was no regulatory requirement to limit the source's potential to emit in the previously issued construction permits.

003 Operating Permits. Any source approved for coverage under a permit-by-rule shall be considered to have fulfilled the duty to obtain an operating permit under Chapter 5 of this Title, unless required to do so elsewhere under this Title or the Act, except for provisions in sections 003.01 and 003.02.

003.01 The permit-by-rule provisions of this chapter may not supersede more stringent requirements which are contained in previously issued operating permits, unless a site specific technical demonstration is submitted which shows that these more stringent requirements are unnecessary to protect the NAAQS or PSD increment.

003.02 The permit-by-rule provisions of this chapter may not supersede requirements to limit a source's potential to emit which are contained in previously issued operating permits, unless the owner/operator can demonstrate that there was no regulatory requirement to limit the source's potential to emit in the previously issued operating permits.

004 Approval Procedures.

004.01 Notice of Intent

004.01A New Sources. The owner or operator of a new source intending to be covered under a permit-by-rule shall submit a complete Notice of Intent Form provided by the Department to the Department at least 45 calendar days prior to the planned date of beginning actual construction, reconstruction or modification of a source that would otherwise be subject to permit requirements under Chapter 17 of this Title; or

004.01B Existing Sources with an Operating Permit. The owner or operator of a source in existence on the effective date of the permit-by-rule intending to be

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covered under provisions of this chapter in lieu of obtaining an operating permit under the provisions of Chapter 5 shall submit a complete Notice of Intent Form to the Department no sooner than 18 and no later than 6 months prior to the expiration date of the existing operating permit issued pursuant to Chapter 5; or

004.01C Existing Sources without an Operating Permit. The owner or operator of a source in existence on the effective date of the permit-by-rule intending to be covered under provisions of this chapter in lieu of obtaining an operating permit under the provisions of Chapter 5 shall submit a complete Notice of Intent Form to the Department within 12 months of the date on which the source first becomes operational or otherwise subject to the requirement to obtain an operating permit; or

004.01D Existing Temporary Sources. The owner or operator of a temporary source in existence on the effective date of the permit-by-rule intending to be covered under a permit-by-rule in lieu of obtaining an operating permit under the provisions of Chapter 5 shall submit a complete Notice of Intent Form to the Department at least 45 calendar days prior to relocation of the source. The Notice of Intent Form shall be accompanied by the information required in Chapter 10 sections 002.02A through 002.02G.

004.02 Department Review

004.02A If the Department fails to provide the source written notice of its decision to approve or disapprove the Notice of Intent Form or request additional information within 30 calendar days, the responsible official for the source may submit a written request to the Director to make a decision on the Notice of Intent request.

004.02B Written Request for Decision by Director. Upon receiving a written request for a decision on the Notice of Intent form, the Director shall, in a timely manner, determine whether to approve or disapprove the request. The Director will provide written notice of the decision to the responsible official for the source.

004.03 Department approval. Department approval of the Notice of Intent Form request shall be in writing. Upon approval, the source may begin construction and/or operation under the provisions of the applicable permit by rule.

004.04 Department disapproval. In the event the Department disapproves the Notice of Intent request, the owner or operator must either resolve the issues for disapproval or apply for a permit under the provisions of Chapters 5, 10 and/or 17.

004.05 At the Director's discretion, the source may be required to conduct an air quality

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impact analysis as a part of a permit-by-rule application. Such determination shall be consistent with the Nebraska Atmospheric Dispersion Modeling Guidance for Permits. Meteorological and operating conditions that may occur that will produce the greatest concentrations of the pollutants emitted shall be used in evaluating the effect of the source(s) on air quality.

004.06 The Department reserves the right to disapprove a request for coverage under the permit-by-rule if the Director believes the emissions from the source may adversely affect human health or the environment, the source is not in compliance with air quality rules or regulations, or the source does not meet the criteria in 001.

005 Temporary Sources. Temporary sources approved to construct and operate under a permit-by-rule shall:

005.01 Notify the Director at least 20 calendar days in advance of each change in location by providing the information required by Chapter 10 sections 002.02A through 002.02G.

005.01A If the proposed location is in Lancaster County, the source shall also notify the Air Quality Program of the Lincoln-Lancaster County Health Department at least 20 days in advance of the proposed change. An additional permit from the local air quality agency may be required pursuant to the regulations in effect in the local agency jurisdiction prior to relocation.

005.01B If the proposed location is in Douglas County, the source shall also notify the Omaha Air Quality Control Agency at least 20 days in advance of the proposed change. An additional permit from the local air quality agency may be required pursuant to the regulations in effect in the local agency jurisdiction prior to relocation.

005.02 The Director may disapprove a new proposed location for a temporary source if operation in the new location would cause or contribute to a violation of state or local standards or otherwise adversely affect human health or the environment.

006 Duty to Comply. Each source approved for coverage under a permit-by-rule must comply with all the sections of this chapter applicable to the source. Any non-compliance with the permit-by-rule shall constitute a violation of the State Act and the Act, and is grounds for enforcement action; for requiring permits under Chapters 17 and/or 5; or for disapproving of the Notice of Intent to construct and/or operate under the permit-by-rule.

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007 Compliance with Other Applicable Requirements. Compliance with the provisions of this chapter does not shield the owner or operator from the duty to comply with any other applicable requirement under Title 129 or the Act not specifically addressed in this chapter.

008 Duty to Provide Requested Information. Additional information, such as an annual emissions inventory as required in Chapter 6, or information necessary to determine applicability or to determine that emissions from the source in conjunction with all other sources will not prevent attainment or maintenance of the ambient air quality standards specified in Chapter 4, must be provided upon Department request.

009 Annual Certifications of Compliance. Sources approved for coverage under a permit-by-rule shall complete and submit to the Department an annual certification of compliance on forms acceptable to the Department by March 31.

010 Certifications. Each Notice of Intent Form, copy of records, annual emissions inventory, annual certification of compliance statements or other information submitted to the Department pursuant to this chapter shall contain a certification signed by a responsible official, as described in Chapter 1 section 098, stating that, based on information and belief formed after reasonable inquiry, the information provided is true, accurate, and complete.

011 Permit-by-Rule for Hot Mix Asphalt Plants. For purposes of this regulation, a hot mix asphalt plant is a facility that is comprised of any combination of the following: generators; heaters; dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing aggregate materials; systems for mixing hot mix asphalt; and associated emission control systems. Hot mix asphalt plants may be approved to be constructed and/or operated pursuant to the provisions of this chapter if they certify they will comply with sections 001 through 010 above and each of the following:

011.01 The owner or operator shall use an air emissions computation program provided by the Department to establish hourly production limits and hourly generator combustion limits as described in sections 011.03C and 011.05. The owner or operator shall submit input and output files computed by the program as part of the certified Notice of Intent. Upon receipt of these files, the Department will use the submitted data to run a dispersion model to establish hourly limits that comply with the NAAQS. The source shall comply with these limits. The NDEQ modeler will provide a memo to the source and the source's NDEQ file documenting the calculated limits.

011.02 Upon relocation of a temporary source, the owner or operator shall use the parameters of the new site as input for an air emissions computation computer program provided by the Department. The source shall certify the output files generated by the air

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emissions computation computer program and submit them to the Department for establishment of hourly limits as described in section 011.01.

011.03 Production Limits.

011.03A For batch mix asphalt plants, the production of asphalt shall not exceed a maximum rate of 250,000 tons per calendar month and 400,000 tons per consecutive twelve (12) calendar months.

011.03B For drum mix asphalt plants, the production of asphalt shall not exceed a maximum rate of 500,000 tons per calendar month and 850,000 tons per consecutive twelve (12) calendar months.

011.03C The owner or operator shall use an air emissions computation computer program provided by the Department to establish the plant capacity on a ton-per-hour basis. The Department will use the data provided by the owner or operator in a dispersion model to establish production limits that are in compliance with the NAAQS.

011.04 The generators shall not combust more than 75,000 gallons of diesel fuel per calendar month and 250,000 gallons of diesel fuel per consecutive twelve (12) calendar months; or if it is more practical for the source to keep track of hours of generator operation, and the generator is equipped with an hour meter, the following equation may be used to determine the maximum hours of generator operation per calendar month and consecutive twelve (12) calendar months:

$$\frac{75,000 \text{ gallons}}{\text{month}} \times \frac{1}{(\text{Generator Capacity}) \text{ gallons/hour}} = \text{Operating Hours/month}$$

$$\frac{250,000 \text{ gallons}}{12 \text{ months}} \times \frac{1}{(\text{Generator Capacity}) \text{ gallons/hour}} = \text{Operating Hours/12mos}$$

011.05 The owner or operator shall use an air emissions computation computer program provided by the Department to establish the plant capacity pound-per-hour limitations. The Department will use the data provided by the owner or operator in a dispersion model to establish generator operating limits that are in compliance with the NAAQS.

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011.06 Moisture and Fuel Content Requirements

011.06A Storage pile and haul road moisture content must be maintained at a level that assures compliance with sections 001 and 002 of Chapter 32.

011.06B The sulfur content of diesel fuel must not exceed 0.5% and the sulfur content of non-diesel fuel must not exceed 1.0%.

011.07 The source shall not exceed a particulate emissions rate of 0.04 grains per dry standard cubic foot of exhaust gas.

011.08 Control Technology. Appropriate emission control technology shall be properly installed, maintained and operated whenever associated equipment is in operation. Manufacturer's instructions shall be kept on site and readily available to Department representatives.

011.08A Fabric Dust Collectors (Baghouses).

011.08A1 Each fabric dust collector shall be equipped with an operational pressure differential indicator.

011.08A2 Fabric dust collector filter bags are to be inspected and/or replaced according to the manufacturer's recommendations or more frequently as indicated by pressure differential readings. To determine whether each fabric dust collector is functioning properly, routine observations (at least once each day of dust collector operation) shall be conducted to determine whether there are visible emissions from the stack, leaks or noise, atypical pressure differential readings, or other indications that may necessitate corrective action. Corrective action shall be taken immediately if necessary.

011.09 The opacity of visible emissions shall not equal or exceed 20 percent as evaluated by Method 9 in Appendix A of 40 CFR Part 60 in accordance with 40 CFR 60.92(a)(2) and Title 129, Chapter 20, Section 004.

011.10 The source shall not allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates.

011.10A. Routine observations (at least once each day of operation) shall be conducted to determine whether particulate matter is becoming airborne in such quantities and concentrations that it remains visible in the ambient air beyond the

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premises where it originates, necessitating corrective action. Corrective action shall be taken immediately if necessary.

011.11 Facilities constructed, reconstructed or modified after June 11, 1973 shall comply with the provisions of section 001.21 of Chapter 18 of this Title for Hot Mix Asphalt Facilities (asphalt concrete plants) - Subpart I.

011.12 Record keeping. The owner or operator of the facility shall maintain on-site records as follows:

011.12A Records demonstrating that the production restriction set forth in sections 011.03A and 011.03B has not been exceeded and that the source has complied with the hourly limits in section 011.03C. Records shall be updated at least monthly no later than 15 days after the end of the month.

011.12B Records demonstrating that storage pile moisture content and haul road moisture content requirements have been maintained at a level that assures compliance with sections 001 and 002 of Chapter 32.

011.12C Records indicating the quantity of diesel fuel combusted in the generators or the hours of generator operation to demonstrate compliance with section 011.04.

011.12D Records demonstrating that the source has complied with the hourly limits established in section 011.05.

011.12E Records indicating the sulfur content of fuel used in the generator and main burner to demonstrate compliance with 11.06B. Records shall be updated at least monthly no later than 15 days after the end of the month.

011.12F Inspection and maintenance records to ensure control equipment is operated and well maintained. Such records shall, at a minimum, include the following:

011.12F1 Records documenting when routine visual inspections of control equipment were performed with a description including pressure differential readings and any atypical observations;

011.12F2 Records documenting when routine maintenance, including bag replacement, and preventive actions were performed with a description of the maintenance and/or preventive action performed;

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011.12F3 Records documenting equipment failures, malfunctions, or other variations, including time of occurrence, remedial action taken, and when corrections were made.

011.12F4 Records and notifications required under Chapter 18, section 001.21 – General Provisions Subpart A.

011.12G Records documenting routine observations conducted and any corrective action taken to assure compliance with 011.10A.

011.13 Upon request, the owner or operator shall provide Department personnel access to, or copies of, the records required under this chapter.

011.14 The owner or operator of a source approved to construct, reconstruct or modify and operate a hot mix asphalt plant under the provisions of this chapter shall notify the Department of the actual date of startup within 15 calendar days after such date.

011.15 Performance Testing. The owner or operator of a source shall conduct performance testing to demonstrate compliance with section 011.07 and 011.09 and as required under 011.11.

012 Permit-by-Rule for Small Animal Incinerators. For purposes of this regulation, a small animal incinerator is a facility that is used to burn deceased animal remains and is comprised of a dual-chamber design, consisting of a primary charging chamber and a secondary chamber (or afterburner) with burners located in each chamber. The maximum design burning capacity of the incinerator may not exceed 200 lbs/hour. The minimum stack height is seven feet above ground. Small animal incinerators may be approved to be constructed and/or operated pursuant to the provisions of this chapter if the owner/operator certifies that the source will comply with sections 001 through 010 above, Chapter 22, sections 001 through 006, and each of the following:

012.01 Production Limits. Limits on incineration may not exceed the incineration rate, in pounds per hour, specified by the manufacturer, by using the following measures:

012.01A: Where the weight of the load is estimated, the incineration period shall last for the maximum duration in hours specified by the manufacturer for a full load.

012.01B: Where the weight of the load is known, the incineration period shall be at least an amount of time equivalent to the weight of the load, in pounds, divided by the manufacturer's design incineration rate in pounds per hour.

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012.02 Heat shall be provided by the combustion of natural gas, liquefied petroleum gas, or distillate oil. The sulfur content of distillate oil may not exceed 0.05% by weight.

012.03 The materials incinerated in the source shall be limited to deceased animals and medical/infectious waste. Medical/infectious waste may not exceed 10% by weight of all waste incinerated in any single load. Medical/infectious wastes that may be incinerated include sharps that have been used in animal care or treatment, unused sharps, and carcasses, parts, or bedding of animals known to have been exposed to infectious agents.

012.04 The opacity of visible emissions from the stack shall not equal or exceed 20% as evaluated by Method 9 in Appendix A of 40 CFR Part 60 in accordance with 40 CFR 60.92(a) (2) and Title 129, Chapter 20, Section 005.

012.05 The temperature of the secondary chamber, as indicated by a temperature measuring device, shall not be less than 1400° Fahrenheit with a minimum residence time of 0.5 seconds in which waste gases are released from the charged primary chamber.

012.06 Particulate matter caused by the combustion of fuel shall not be emitted in excess of the hourly rate of 0.60 pounds of particulate matter per million British thermal units total heat input, in accordance with Title 129, Chapter 20, section 002.

012.07 Particulate matter shall not be allowed to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates, in accordance with Title 129, Chapter 32, section 001.

012.07A Routine observations (at least once each day of operation) shall be conducted to determine whether particulate matter is becoming airborne in such quantities and concentrations that it remains visible in ambient air beyond the premises where it originates necessitating corrective action. Corrective action shall be taken immediately if necessary.

012.08 The incinerator shall be properly maintained at all times, in accordance with manufacturer's instructions.

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012.09 Record keeping. The owner or operator of the facility shall maintain on-site records as follows, for a minimum of five years:

012.09A Inspection and maintenance records to ensure equipment is properly operated and well maintained. Such records shall, at a minimum, include the following:

012.09A1 Records documenting the type of materials incinerated during each charge, the weight of medical/infectious waste included in each charge, the total weight of each charge (estimated or actual), and the duration of each main burner operating cycle. The duration of an operating cycle is defined as the period of time starting at the initial charge after the preheat period and ending after all material in the final charge of the operating cycle is combusted; and, when the incineration period is less than the maximum period specified by the manufacturer, calculation of the incineration rate for each charge. The incineration rate is calculated by dividing the weight of each charge by the duration of each main burner operating cycle.

012.09A2 Records documenting the sulfur content of distillate fuel, if used.

012.09A3 Records documenting when routine maintenance and preventive actions were performed with a description of the maintenance and/or preventive action performed;

012.09A4 Records documenting equipment failures, malfunctions, or other variations, including time of occurrence, remedial action taken, and when corrections were made.

012.09B Records documenting routine observations conducted and any corrective action taken to determine compliance with 012.07A.

012.10 Upon request, the owner or operator shall provide Department personnel access to, or copies of, the records required under this chapter.

012.11 The owner or operator of a source approved to construct, reconstruct or modify and operate a small animal incinerator under the provisions of this chapter shall notify the Department of the actual date of startup within 15 calendar days after such date.

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012.12 Performance Testing

012.12A The owner or operator of a source shall conduct performance testing to demonstrate compliance with sections 012.04, 012.06 and with Title 129, Chapter 22, section 002.

012.13B The Director may determine performance testing is not required provided that the owner or operator submits adequate documentation and emission test results of an animal incinerator identical or similar to the one proposed.

Enabling Legislation: Neb. Rev. Stat. 81-1504(1)(2)(11) and 81-1505(12)(16)

Legal Citation: Title 129, Ch. 42, Nebraska Department of Environmental Quality

Title 129 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 43 – VISIBILITY PROTECTION

001 Code of Federal Regulations, Title 40, part 51.301 (Definitions), as amended, is incorporated by reference. Appendix Y (Guidelines for BART Determinations Under the Regional Haze Rule) of 40 CFR 51, is incorporated by reference.

002 The owner or operator of a stationary source shall submit a Best Available Retrofit Technology (BART) determination to the Department if the Department determines the stationary source is subject to BART according to 40 CFR 51, Appendix Y. The owner or operator shall prepare the BART determination in accordance with Appendix Y of 40 CFR 51 as directed by the Director. The owner or operator of a stationary source shall submit the BART determination to the Department for review. The Department will issue a permit to the source, pursuant to section 003, giving consideration to the source's BART determination.

003 The BART requirements for any BART-eligible source that is subject to BART shall be incorporated into a construction permit in accordance with Chapter 17, section 014.04.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

Legal Citation: Title 129, Ch. 43, Nebraska Department of Environmental Quality

APPENDIX I

1.0 EMERGENCY EMISSION REDUCTION REGULATIONS

The following regulations define the actions that shall be taken by the general populace and by specific point sources to prevent the excessive buildup of air pollutant concentrations under each of the three episode severity levels when, and as, declared by the Director.

1.1 ALERT LEVEL

(a) General

(1) There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

(2) The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 p.m.

(3) Persons operating fuel-burning equipment which require boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.

(4) Persons operating motor vehicles shall eliminate all unnecessary operations.

(b) Source Curtailment

(1) Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert level.

| <u>Source of Air Pollution</u> | <u>Control Actions</u> |
|--|---|
| (1) Coal or oil-fired electric power generating facilities | a. Substantial reduction by utilization of fuel having low ash and sulfur content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. |

| <u>Source of Air Pollution</u> | <u>Control Actions</u> |
|--|---|
| (2) Coal and oil-fired process steam generating facilities | c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area. a. Substantial reduction by utilization of fuels having |

Effective Date 6/15/2011 (Rev. 08/22/2000)

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low ash and sulfur content.

- b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
 - c. Substantial reduction of steam load demands consistent with continuing plant operations.
- (3) Manufacturing industries of the following classification:
 - Primary Metals Industry
 - Petroleum Refining Operations
 - Chemical Industries
 - Mineral Processing Industries
 - Paper and Allied Products
 - Grain Industry
 - a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
 - b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

1.2 WARNING LEVEL

(a) General

(1) There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.

(2) The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

(3) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.

(4) Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

(b) Source Curtailment

(1) Any person responsible for the operation of a source of air pollution listed below shall take all required control actions for this warning level.

| <u>Source of Air Pollution</u> | | <u>Control Action</u> | |
|--------------------------------|---|-----------------------|---|
| (1) | Coal or oil-fired electric power generating facilities | a. | Maximum reduction by utilization of fuels having lowest ash and sulfur content. |
| | | b. | Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. |
| | | c. | Maximum reduction by diverting electric power generation to facilities outside of Warning Area. |
| (2) | Coal or oil-fired process steam generating facilities | a. | Maximum reduction by utilization of fuels having the lowest available ash and sulfur content. |
| | | b. | Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. |
| | | c. | Making ready for use a plan of action to be taken if an emergency develops. |
| <u>Source of Air Pollution</u> | | <u>Control Action</u> | |
| (3) | Manufacturing industries which require considerable lead time for shut-down following reasonable economic | a. | Maximum reduction of air contaminants from manufacturing operations by, including the if necessary, assuming classifications: |
| | Petroleum Refining | | hardships by postponing production and allied operation. |
| | Chemical Industries | | |
| | Primary Metals Industries | | |
| | Grain Industries | | |
| | Paper and Allied Products | b. | Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or malodorous substances. |
| | | c. | Maximum reduction of heat load demands for processing. |
| | | d. | Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for |

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boiler lancing and soot blowing.

- (4) Manufacturing industries which require relatively short lead times for shutdown including classifications:
Petroleum Refining
Chemical Industries
Primary Metals Industries
Grain Industries
Paper and Allied Products
Source of Air Pollution

- a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

Control Action

- b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.
- c. Maximum reduction of heat Load demands for processing.
demands for processing.
- d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

1.3 EMERGENCY LEVEL

(a) General

(1) There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

(2) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

(3) All places of employment described below shall immediately cease operations:

- a. Mining and quarrying of non-metallic minerals.
- b. All construction work except that which must proceed to avoid emergent physical harm.
- c. All manufacturing establishments except those required to have in force an air pollution emergency plan.
- d. All wholesale trade establishments; i.e. places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other

wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

e. All offices of local, county and state government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county or state government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

i. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

(4) All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

(5) The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

(b) Source Curtailment

(1) Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency level.

| <u>Source of Air Pollution</u> | <u>Control Action</u> |
|--|--|
| (1) Coal or oil-fired electric power generating facilities | a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for |

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boiler lancing and soot blowing.

- e. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
- (2) Coal and oil-fired process steam generating facilities
 - a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
 - b. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
 - c. Taking the action called for in the emergency plan.
- (3) Manufacturing industries of the following classifications:
 - Primary Metals Industries
 - Petroleum Refining
 - Chemical Industries
 - Mineral Processing Industries
 - Grain Industry
 - Paper and Allied Products
 - a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
 - b. Elimination of air pollutants from trade waste disposal

Source of Air Pollution

- Control Action
- processes which emit solid particles, gases, vapors, or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

1.4 MAJOR POINT SOURCES EMERGENCY REDUCTION PLAN

Any source of air pollution within the City of Omaha shall submit within thirty days of request by the Omaha Division of Permits and Inspection a plan designed to reduce or eliminate the emission of air

pollutants in accordance with the objectives specified in Paragraphs 1.1, 1.2, and 1.3. Any source in the Nebraska portion of the Omaha-Council Bluffs Air Quality Control Region and not within the City of Omaha shall submit within thirty days of request by the Department a plan designed to reduce or eliminate the emission of air pollutants in accordance with the objectives specified in Paragraphs 1.1, 1.2, and 1.3. Each such plan shall be subject to review and approval by the Department. If, in the opinion of the Department, a submitted plan does not effectively carry out the objectives specified, the Department may disapprove it, state reasons for disapproval and require preparation of an amended/revised plan within a specified time period.

(a) Plan Description

Each plan shall be submitted in writing, shall identify the emitted pollutants, shall state the approximate amount (percentage) of expected reduction of pollutants and shall briefly describe the manner, method or technology employed to achieve the reduction during each severity level of an episode. Each plan, when approved by the Department, is (becomes) legally enforceable. During declared episodic conditions, a copy of the plan for a given source shall be made available on source premises to any person(s) authorized to enforce the provisions of the plan.

- (b) Emergency Reduction Plans will be obtained from point sources within one (1) year after submission of this Plan. These will be submitted in semi-annual progress reports until such legally enforceable schedules are obtained from all point sources.

2.0 EMERGENCY ACTION CENTER COMMUNICATION AND CONTROL PROCEDURES

The following paragraphs of the Emergency Episode Plan are designed to "stand alone" as a "Manual of Operation" for the Omaha-Council Bluffs Interstate AQCR. It should be separated, reproduced and distributed as required to those members of the Emergency Episode team as designated by the Director.

2.1 COMMUNICATIONS

The functioning of the Emergency Action System is primarily that of maintaining and coordinating the communications between and among the various public agencies, the U.S. Weather Bureau Station, hospital and medical facilities, the emitting sources, the air quality monitoring station, news media, and the Emergency Action Center (EAC). Control of the system is focused in the EAC. This part of the manual services to define the system communication requirements, the means to fulfill these requirements and the responsibilities of the operating personnel.

2.1.1 REQUIREMENTS

Communication facilities of the EAS are provided by the Northwestern Bell Telephone Company and the Teletype Network established by the Weather Bureau. Unlisted number telephone lines will be made available in the EAC to allow access to the center only by authorized members of the System. This will preclude tying up the center phones with non-essential traffic.

(a) Meteorological Information

The U.S. Weather Bureau Station at Eppley Field enters meteorological information into the EAS via their local Teletype Network in the form of forecasts, advisories and bulletins. These inputs are made as often as a developing situation/episode demands. A terminal will be located in the EAC and connected to this network. The weather information is received in the EAC, evaluated and logged. Action responses to each weather input are, of course, by the nature of the report and the situation at the time of receipt. Added detail may be requested of the weather station by the

EAC via direct telephone communication if and when necessary.

(b) Air Quality Information

The normal reporting frequency of the various stations in the Air Quality Monitoring/Surveillance network is accelerated when first indications of a possible episode occurrence are recognized. Indications can be either the HAPP advisory from the weather station or an unusually severe pollutant level reached at any one or more station of the Air Quality Network. At the direction of the EAC director, the surveillance stations will employ, as appropriate, either messengers or the telephone to send their observations and/or reports to the processing center (at the Public Health Department) in accordance with the schedule required by the severity of the situation.

(c) Directives

Instruction to emitting sources, police, medical facilities, and Air Quality Monitoring Station operators will be issued by the EAC as the situation dictates. The Communication Check List for each severity level of the episode will guide the EAC director/staff in issuing the necessary directives and instructions. Communication Check Lists are described under Paragraph 2.1.2. Telephone communication with each of the necessary contacts will provide the means to fulfill this requirement; however, police two-way radio facilities will be included as needed, dependent on the severity of the situation.

(d) Public Information

The requirement to inform the populace of the situation in case of an episode occurrence, and to direct their appropriate/mandatory responses is met through local press, radio and television facilities. The declaration statement appropriate to each severity level is issued by the EAC director for immediate publication. A press release is then prepared and released to the media (via the office of AP in Omaha) to provide the explanatory and instructive information supporting the declaration statement.

(e) Effectiveness Reporting

The need for the EAC to monitor the effectiveness of abatement actions and to assess the adherence to planned strategies of sources is fulfilled by the Permits and Inspection Division field inspectors supplemented by the police. Reporting of apparent violators or obvious ineffective results will be via telephone or police radio to the EAC. Dependent on the circumstances reported, the EAC will issue orders or instructions to correct the reported deficiency or violation using the same channels of communication.

2.1.2 PROCEDURES

For each of the episode levels, the procedures to be followed are centered in the use of a pair of forms. These forms are titled "Declaration Sheet" and "Communication Check Lists". The paragraphs which follow describe their use and the pertinent communication functions during each phase or level of an episode.

(a) Forecast

When the possibility of an air pollution episode is first recognized a "Forecast Declaration Sheet" is posted on the EAC "Action Board". Entries are made on the sheet as follows:

(1) Upon receipt of an advisory from the Weather Bureau forecasting possibility of an episode, enter the time and date information and the summary of the significant points in the advisory in the required spaces. Post the sheet on the EAC Action Bulletin Board; or

(2) Record unusually high levels of pollution as reported by stations in the Air Quality Surveillance Net in the spaces provided. Evaluate this data, when sufficient to recognize a trend, and determine whether a "forecast" should be declared. If declared,

(3) Prepare and enter the "Forecast Declaration Statement" on the sheet in the appropriate spaces. The content of the statement must clearly define the probable affect areas, contain the significant points from the Weather Bureau Forecast and the type of the pollutant(s) which appears to be of greatest concern. The statement should also stress that immediate action on the part of the public is not indicated.

(4) Update the sheet as additional surveillance or meteorological information is received and evaluated.

(5) Keep the sheet posted until either a decision to declare an ALERT is made or the possibility that episode conditions will develop has disappeared.

(6) Enter the time of ALERT or Termination, remove the sheet from the board and file in the episode log.

When the "Forecast Declaration Statement" has been composed and entered on the "Notice" sheet (step 3 above), the "Forecast Communications Check List" is posted and:

(1) EAC staff members will begin making the telecons as indicated on the list. Contact must be completed with the heads of agencies listed in the first group of the sheet. The remaining contacts to be completed will be selected by the director of EAC based on his estimate of the situation.

(2) As each telecon is completed, the caller will initial and enter the time of completion in the appropriate column spaces next to the called number.

(3) The sheet will remain posted until either an ALERT or Termination is declared. When removed, the sheet will be filled with the Declaration sheet in the episode log book.

Determination of specific actions to be taken during the period of an Episode Forecast involves many factors which will vary with each Forecast situation. Therefore, they cannot be considered in this planned set of procedures. However, some general guides are included below:

(1) Although it should not be necessary to put all members of the Emergency Action team on duty during a Forecast situation each member should be notified of the possibility/probability of spending extra duty time should the situation worsen.

(2) Selection of emitting sources to be notified should take into consideration the length of lead time each may need to implement their emergency reduction plans.

(3) Any press release(s) supporting the declaration statement should emphasize that only a "conservative" response by the public is called for.

(b) Alert

When air quality deteriorates and meteorological forecasts indicate a continuing air stagnation (See Chapter 25, 003 preceding for detailed criteria) the procedures below should be followed to declare an Air Pollution Alert:

(1) Remove the Forecast Notification Sheet and Communication Check List from the EAC Action Board and post the ALERT DECLARATION SHEET and ALERT Communication Check List in their places.

(2) Prepare and enter the Declaration Statement on the sheet. Emphasize the need for people with respiratory, cardiac and related health deficiencies to safeguard their well-being. Briefly summarize steps to be taken by drivers of private cars, industry, etc. to reduce pollution and include an estimate of the duration of the "Alert".

(3) Enter times and dates in the required spaces.

(4) Keep the sheet posted until either the situation worsens to the point where a "Warning" must be declared or conditions improve to warrant declaration of "Termination".

(5) Begin making the required telecons as defined on the Alert Communication Sheet. Follow the Procedures outlined for the Forecast telecons (2.1.2(a) preceding).

(6) Maintain both forms on the EAC Action Board until either a Warning or Termination is declared. Then remove and file both in the Episode Log.

General guides to actions of the EAC during "Alert":

(1) Convene all members of the EAS team for a briefing and assign a full field inspection team to insure compliance with reduction plans of the major pollution sources.

(2) Request the Northwestern Bell Telephone Company to dedicate lines between the EAC and Weather Bureau, Health Center, Processing Center, Police Department, Civil Defense Headquarters and the Mayor's Office.

(3) Ready and release press notices regularly.

(4) Request reports of the major pollution sources regarding their individual progress in implementation of their reduction plans.

(5) Insure that all Air Quality Surveillance stations are adequately manned and reporting according to the Alert accelerated schedule.

(6) Establish and maintain the map(s)/display(s) necessary to keep close observation of the situation progress.

(c) Warning

If/When pollution concentrations reach the levels defined for declaration of a "Warning" and meteorological data indicates a continuation of Stagnation (see Chapter 25, 003 for criteria), the following procedures are necessary in declaring the "Warning" status:

(1) Remove the Alert Declaration and Communication Check List sheets from the EAC Action Board and replace them with the WARNING DECLARATION SHEET and Communication Check List. File the Alert sheets in the Episode Log.

(2) Prepare and enter the Warning Declaration Statement. Emphasize the extreme caution anyone with health problems must take and include the emergency telephone number(s) to be called for medical/rescue aid. State the mandatory steps to be taken by the public, the pollution sources and emergency services (hospitals, doctors, police, fire and Civil Defense agencies).

(3) Enter times and dates as required by the forms.

(4) Accelerate placement of the telecons required on the Warning Communication Check List.

(5) Maintain both forms with all weather and Air Quality/Emission control updates.

General Guides to EAC actions during the "Warning":

(1) Insure that adequate staffing of the EAC and processing center is maintained. Augment with "volunteer" help as needed.

(2) Convey the urgency of the situation to all participating members of the EAS.

(3) Alert hospitals, medical personnel, rescue squads, fire and police departments, Civil Defense units, etc. to the need for rapid response to calls for aid.

(4) Issue hourly bulletins to press, radio and television facilities stating the progress of the total situation. Emphasize need to adhere to all directives/instructions regarding reduction of pollution and prevention of any further deterioration of air quality. Repeat emergency telephone numbers.

(5) Request police enforcement of all regulations and immediate reporting of violations, degrading incidents, etc. and action(s) taken.

(6) Request regular reports from emission sources of their reduction measures and resulting effectiveness.

(7) Continue all procedures outline for the Alert level not specifically changed above.

(d) Emergency

If the episode severity reaches this level, a total state of emergency must be assumed by the entire area affected. Procedures for posting and maintaining the Emergency Declaration Statement sheet and Communication Check List are the same as for the "Warning" level. The role of the EAC at this Emergency state becomes one of supporting the Office of Mayor, and all area agencies in carrying out emergency measures primarily concerned with protection of public safety. Thus, the EAC and all members of the EAS must be geared to the most rapid response possible for request from these agencies.

(e) Termination

Except for episodes caused by unusually high emissions from one or more specific sources, termination of any level of episode severity will occur only with an improvement in meteorological conditions. Thus, observations of the Weather Bureau, indicating imminent

improvement in the stagnation causes is the major factor in terminating the episode. Procedures for declaring termination are similar to those defined previously for declaring any other level. The Termination Declaration Sheet and Communication List are posted in place of the last episode level sheets. The most important requirement in making the required telecons is to insure that all contacts made during any and all previous episode stages are recontacted to convey the relaxation of the instruction/directives then imposed.

(f) Episode Reporting

Following termination of an episode of any level of severity, a report must be prepared for the Director's signature including:

(1) Summary of significant events, including dates and times, identification of difficulties, effectiveness of reduction actions, etc.

(2) Summary of estimated costs to:

- a. EAC-EAS
- b. Other public agencies involved
- c. Sources
- d. Public response
- e. Detrimental health results - casualties, etc.

This report must be submitted to the Environmental Protection Agency, Region VII, E.P.A., Durham, and to the Nebraska Department of Environmental Quality within ten (10) days of the termination date.

APPENDIX I
COMMUNICATION CHECK LIST
FORECAST

ALERT level declared at: _____ on _____
Time Date

The following telecons must be made from the EAC immediately upon declaration of ALERT level to inform each contact of the ALERT Declaration Statement.

| Office/Individual To | Area | Phone | Caller's | Time |
|----------------------|------|-------|----------|------|
|----------------------|------|-------|----------|------|

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| Be Called | Code | Number | Initials |
|---|------|----------|----------|
| Supt. Permits & Inspections Public Safety – Omaha | 402 | 444-5378 | |
| Chief, Environmental Health Omaha-Douglas Co. Health | 402 | 444-7485 | |
| Director, Environmental Quality State of Nebraska - Lincoln | 402 | 471-2186 | |
| Chief, Air Program EPA Reg. VII Kansas City, KS | 913 | 551-7020 | |
| Director, Dept. of Environmental Quality, State of Iowa - Des Moines | 515 | 281-8853 | |
| Governor, State of Nebraska Lincoln | 402 | 471-2244 | |
| Director, Douglas Co. Health Omaha | 402 | 444-7471 | |
| Director of Health, State of Nebraska –Lincoln | 402 | 471-2133 | |
| Chairman, Environmental Quality Council, Nebraska - Lincoln | 402 | 471-2186 | |
| Assistant Director, Air Pollution Control, Dept. of Environmental Quality , Nebraska- Lincoln | 402 | 471-2186 | |
| O.P.P.D. (Request liason contact and forecast of power demand) Omaha | 402 | 552-5612 | |
| Metropolitan Utilities District Omaha | 402 | 449-8000 | |

COMMUNICATION CHECK LIST
ALERT

ALERT level declared at: _____ on _____
Time Date

The following telecons must be made from the EAC immediately upon declaration of ALERT level to inform each contact of the ALERT Declaration Statement.

| Office/Individual To Be Called | Area Code | Phone Number | Caller's Initials | Time |
|---|--------------|-----------------|----------------------|------|
| Recontact all names/offices on Forecast List, then call the following: | | | | |

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| | | |
|---|-----|---------------|
| Mayor of Omaha - Omaha | 402 | 444-5005_____ |
| Sheriff – Sarpy Co., Nebraska | 402 | 593-4111 |
| City Hall, City of Council Bluffs Iowa | 712 | 328-4616 |
| Civil Defense and Commander of Nebraska National Guard | 402 | 473-1100 |
| or Director Civil Defense - Omaha - Douglas County | 402 | 444-5040 |
| Environmental Health - Omaha | 402 | 444-7485 |
| Environmental Protection Agency Durham, North Carolina | 919 | 541-2350 |

SOURCES:

Place calls to each emitter source
requiring lead time preparation
for possible implementation of
reduction plans.

NEWS MEDIA:

Contact UPI News Bureau Office
and dictate the DECLARATION
STATEMENT and any explanatory
news releases as needed.

COMMUNICATION CHECK LIST WARNING

WARNING level declared at: _____ on _____
Time Date

The following telecons must be made from the EAC immediately upon declaration of WARNING level to inform
each contact of the Warning Declaration Statement.

| Office/Individual To <u>Be Called</u> | Area <u>Code</u> | Phone <u>Number</u> | Caller's <u>Initials</u> | Time |
|--|---------------------|------------------------|-----------------------------|------|
|--|---------------------|------------------------|-----------------------------|------|

Recontact all names/offices on both FORECAST and ALERT lists, then call the following:

| | | | | |
|---------------------------------|-----|----------|--|--|
| Chief of Police – City of Omaha | 402 | 444-5666 | | |
|---------------------------------|-----|----------|--|--|

| | | | | |
|---|-----|----------|--|--|
| Chief of Police - City of Council Bluffs | 712 | 328-4701 | | |
|---|-----|----------|--|--|

| | | | | |
|---------------------|-----|----------|--|--|
| Chief of Fire Dept. | 402 | 444-5708 | | |
|---------------------|-----|----------|--|--|

SOURCES:

Contact all sources (determine most likely to contribute to affected areas) to implement reduction plans immediately.

NEWS MEDIA:

Recontact UPI to release new
DECLARATION STATEMENT/
Stress urgency of situation.

COMMUNICATION CHECK LIST EMERGENCY

| Office/Individual To Be Called | Area Code | Phone Number | Caller's Initials | Time |
|-----------------------------------|--------------|-----------------|----------------------|------|
|-----------------------------------|--------------|-----------------|----------------------|------|

Recontact all names/offices on FORECAST, ALERT, WARNING lists, then call the following:

| | | | | |
|---|-----|----------|--|--|
| Director, Air Pollution Control, Lincoln-Lancaster Co. Health Dept. - Lincoln | 402 | 441-8001 | | |
|---|-----|----------|--|--|

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| | | |
|--|-----|----------|
| Board of Education Dist. 1 Omaha Public Schools | 402 | 554-1111 |
|--|-----|----------|

| | | |
|------------------------------|-----|----------|
| Dist. 66, 78th & Cass- Omaha | 402 | 391-0646 |
|------------------------------|-----|----------|

SOURCES:

Contact all sources to stress
urgency of complete and
immediate compliance with
reduction plans.

NEWS MEDIA:

Release hourly bulletins to keep
public fully aware of situation
developments.

APPENDIX II
HAZARDOUS AIR POLLUTANTS
SORTED BY CAS NUMBER

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|---|-----|----------------------------|
| 1146 | Nickel refinery dust [8] | No | 80 |
| 14333 | Sodium cyanide [8] | No | 100 |
| 50000 | Formaldehyde | Yes | 1,000 |
| 50328 | Benzo(a)pyrene | Yes | 20 |
| 51285 | 2,4- Dinitrophenol | Yes | 1,000 |
| 51796 | Ethyl carbamate (Urethane) | No | 800 |
| 53703 | Dibenz(a, h)anthracene | Yes | 20 |
| 53963 | 2- Acetylaminofluorine [8] | Yes | 10 |
| 56235 | Carbon tetrachloride | Yes | 1,000 |
| 56382 | Parathion | Yes | 100 |
| 56553 | Benz(a)anthracene | Yes | 20 |
| 57147 | 1,1- Dimethyl hydrazine | Yes | 16 |
| 57578 | beta- Propiolactone | Yes | 100 |
| 57749 | Chlordane | Yes | 20 |
| 57976 | 7,12- Dimethylbenz(a)anthracene | Yes | 0 |
| 58899 | Lindane (all isomers) | No | 20 |
| 59892 | N- Nitrosomorpholine | Yes | 1,000 |
| 60117 | 4- Dimethyl aminoazobenzene | Yes | 1,000 |
| 60344 | Methyl hydrazine | Yes | 60 |
| 60355 | Acetamide | Yes | 1,000 |
| 62384 | Phenyl mercuric acetate [8] | No | 20 |
| 62533 | Aniline | Yes | 1,000 |
| 62737 | Dichlorvos | Yes | 200 |
| 62759 | N- Nitrosodimethylamine | Yes | 2 |
| 63252 | Carbaryl [8] | No | 2,000 |
| 64675 | Diethyl sulfate | Yes | 1,000 |
| 67561 | Methanol | Yes | 2,000 |
| 67663 | Chloroform | Yes | 900 |
| 67721 | Hexachloroethane | No | 2,000 |
| 68122 | Dimethyl formamide | Yes | 1,000 |
| 71432 | Benzene | Yes | 1,000 |
| 71556 | Methyl chloroform (1,1,1-Trichloroethane) | No | 2,000 |
| 72435 | Methoxychlor | Yes | 2,000 |
| 74839 | Methyl bromide (Bromomethane) | Yes | 2,000 |
| 74873 | Methyl chloride (Chloromethane) | Yes | 2,000 |
| 74884 | Methyl iodide (Iodomethane) | Yes | 1,000 |
| 74908 | Hydrogen cyanide | No | 0 |
| 75003 | Ethyl chloride (Chloroethane) | Yes | 2,000 |
| 75014 | Vinyl chloride | Yes | 200 |
| 75058 | Acetonitrile | Yes | 1,000 |
| 75070 | Acetaldehyde | Yes | 2,000 |
| 75092 | Methylene chloride (Dichloromethane) | No | 2,000 |
| 75150 | Carbon disulfide | Yes | 1,000 |
| 75218 | Ethylene oxide | Yes | 100 |
| 75252 | Bromoform | Yes | 2,000 |

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APPENDIX II
HAZARDOUS AIR POLLUTANTS
SORTED BY CAS NUMBER

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|---|-----|----------------------------|
| 75343 | Ethylidene dichloride (1,1-Dichloroethane) | Yes | 1,000 |
| 75354 | Vinylidene chloride (1,1-Dichloroethylene) | Yes | 400 |
| 75445 | Phosgene | Yes | 100 |
| 75558 | 1,2- Propylenimine (2-Methyl aziridine) | Yes | 6 |
| 75569 | Propylene oxide | Yes | 2,000 |
| 75741 | Tetramethyl lead [8] | No | 20 |
| 76448 | Heptachlor | Yes | 20 |
| 77474 | Hexachlorocyclopentadiene | Yes | 100 |
| 77781 | Dimethyl sulfate | Yes | 100 |
| 78002 | Tetraethyl lead [8] | No | 20 |
| 78591 | Isophorone | Yes | 2,000 |
| 78875 | Propylene dichloride (1,2-Dichloropropane) | Yes | 1,000 |
| 79005 | 1,1,2- Trichloroethane | Yes | 1,000 |
| 79016 | Trichloroethylene | Yes | 2,000 |
| 79061 | Acrylamide | Yes | 20 |
| 79107 | Acrylic acid | Yes | 600 |
| 79118 | Chloroacetic acid | Yes | 100 |
| 79345 | 1,1,2,2- Tetrachloroethane | Yes | 300 |
| 79447 | Dimethyl carbamoyl chloride | Yes | 20 |
| 79469 | 2- Nitropropane | Yes | 1,000 |
| 80626 | Methyl methacrylate | Yes | 2,000 |
| 82688 | Pentachloronitrobenzene (Quintobenzene) | Yes | 300 |
| 84742 | Dibutylphthalate | Yes | 2,000 |
| 85449 | Phthalic anhydride | No | 2,000 |
| 87683 | Hexachlorobutadiene | Yes | 900 |
| 87865 | Pentachlorophenol | Yes | 700 |
| 88062 | 2,4,6- Trichlorophenol | Yes | 2,000 |
| 90040 | o- Anisidine | Yes | 1,000 |
| 91203 | Naphthalene | Yes | 2,000 |
| 91225 | Quinoline [8] | Yes | 12 |
| 91941 | 3,3'- Dichlorobenzidine [8] | Yes | 200 |
| 92524 | Biphenyl [8] | Yes | 2,000 |
| 92671 | 4- Aminobiphenyl [8] | Yes | 1,000 |
| 92875 | Benzidine [8] | Yes | 0.6 |
| 92933 | 4- Nitrobiphenyl [8] | Yes | 1,000 |
| 94757 | 2,4- D, salts, esters (2,4-Dichlorophenoxy acetic acid) | Yes | 2,000 |
| 95476 | o- Xylenes [8] | Yes | 2,000 |
| 95487 | o- Cresol [8] | Yes | 1,000 |
| 95534 | o- Toluidine | Yes | 1,000 |
| 95807 | 2,4- Toluene diamine | Yes | 20 |
| 95954 | 2,4,5- Trichlorophenol | Yes | 1,000 |
| 96093 | Styrene oxide | Yes | 1,000 |
| 96128 | 1,2- Dibromo-3-chloropropane | Yes | 20 |
| 96457 | Ethylene thiourea | No | 600 |
| 98077 | Benzotrichloride | Yes | 12 |

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APPENDIX II
HAZARDOUS AIR POLLUTANTS
SORTED BY CAS NUMBER

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|---|-----|----------------------------|
| 98828 | Cumene | Yes | 2,000 |
| 98862 | Acetophenone | Yes | 1,000 |
| 98953 | Nitrobenzene | Yes | 1,000 |
| 100027 | 4- Nitrophenol | Yes | 2,000 |
| 100414 | Ethyl benzene | Yes | 2,000 |
| 100425 | Styrene | Yes | 1,000 |
| 100447 | Benzyl chloride | Yes | 100 |
| 101144 | 4,4- Methylene bis (2-chloroaniline) [8] | No | 200 |
| 101688 | Methylene diphenyl diisocyanate (MDI) [8] | No | 100 |
| 101779 | 4,4'- Methylenedianiline | No | 1,000 |
| 106423 | p- Xylenes [8] | Yes | 2,000 |
| 106445 | p- Cresol [8] | Yes | 1,000 |
| 106467 | 1,4- Dichlorobenzene(p) | Yes | 1,000 |
| 106503 | p- Phenylenediamine | Yes | 2,000 |
| 106514 | Quinone | Yes | 2,000 |
| 106887 | 1,2- Epoxybutane | Yes | 1,000 |
| 106898 | Epichlorohydrin (1-Chloro-2,3-epoxypropane) | Yes | 1,000 |
| 106934 | Ethylene dibromide (Dibromoethane) | Yes | 100 |
| 106990 | 1,3- Butadiene | Yes | 70 |
| 107028 | Acrolein | Yes | 40 |
| 107051 | Allyl chloride | Yes | 1,000 |
| 107062 | Ethylene dichloride (1,2-Dichloroethane) | Yes | 1,000 |
| 107131 | Acrylonitrile | Yes | 300 |
| 107211 | Ethylene glycol | Yes | 2,000 |
| 107302 | Chloromethyl methyl ether | Yes | 100 |
| 108054 | Vinyl acetate | Yes | 1,000 |
| 108101 | Methyl isobutyl ketone | Yes | 2,000 |
| 108316 | Maleic anhydride | No | 1,000 |
| 108383 | m- Xylenes [8] | Yes | 2,000 |
| 108394 | m- Cresol [8] | Yes | 1,000 |
| 108864 | 2- Methoxy ethanol [8] | No | 2,000 |
| 108883 | Toluene | Yes | 2,000 |
| 108907 | Chlorobenzene | Yes | 2,000 |
| 108952 | Phenol | Yes | 100 |
| 110543 | Hexane | Yes | 2,000 |
| 110805 | 2- Ethoxy ethanol [8] | No | 2,000 |
| 111422 | Diethanolamine | Yes | 2,000 |
| 111444 | Dichloroethyl ether (Bis(2-chloroethyl)ether) | Yes | 60 |
| 114261 | Propoxur (Baygon) | No | 2,000 |
| 117817 | Bis(2-ethylhexyl)phthalate(DEHP) | Yes | 2,000 |
| 118741 | Hexachlorobenzene | No | 20 |
| 119904 | 3,3'- Dimethoxybenzidine [8] | Yes | 100 |
| 119937 | 3,3' Dimethyl benzidine [8] | Yes | 16 |
| 120809 | Catechol | Yes | 2,000 |
| 120821 | 1,2,4- Trichlorobenzene | Yes | 2,000 |

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APPENDIX II
HAZARDOUS AIR POLLUTANTS
SORTED BY CAS NUMBER

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|---|-----|----------------------------|
| 121142 | 2,4- Dinitrotoluene | Yes | 20 |
| 121448 | Triethylamine | Yes | 2,000 |
| 121697 | N,N- Dimethylaniline | Yes | 1,000 |
| 122667 | 1,2- Diphenylhydrazine | Yes | 90 |
| 123319 | Hydroquinone | Yes | 1,000 |
| 123386 | Propionaldehyde | Yes | 2,000 |
| 123911 | 1,4- Dioxane (1,4-Diethyleneoxide) | Yes | 2,000 |
| 126998 | Chloroprene | Yes | 1,000 |
| 127184 | Tetrachloroethylene (Perchloroethylene) | No | 2,000 |
| 130618 | Cadmium oxide [8] | No | 20 |
| 131113 | Dimethyl phthalate | Yes | 2,000 |
| 132649 | Dibenzofurans [8] | No | 2,000 |
| 133062 | Captan | No | 2,000 |
| 133904 | Chloramben | No | 1,000 |
| 140885 | Ethyl acrylate | Yes | 1,000 |
| 151508 | Potassium cyanide [8] | No | 100 |
| 151564 | Ethyleneimine (Aziridine) | Yes | 6 |
| 156627 | Calcium cyanamide | No | 2,000 |
| 189559 | 1,2:7,8- Dibenzopyrene | Yes | 20 |
| 193395 | Ideno(1,2,3-cd)pyrene | Yes | 20 |
| 205992 | Benzo(b)fluoranthene | Yes | 20 |
| 218019 | Chrysene | Yes | 20 |
| 225514 | Benz(c)aridine | Yes | 20 |
| 302012 | Hydrazine | No | 8 |
| 334883 | Diazomethane | Yes | 1,000 |
| 463581 | Carbonyl sulfide | Yes | 2,000 |
| 510156 | Chlorobenzilate [8] | Yes | 400 |
| 532274 | 2- Chloroacetophenone | Yes | 60 |
| 534521 | 4,6- Dinitro-o-cresol, and salts | No | 100 |
| 540841 | 2,2,4- Trimethylpentane | Yes | 2,000 |
| 542756 | 1,3- Dichloropropene | Yes | 1,000 |
| 542881 | Bis(chloromethyl)ether | Yes | 0.6 |
| 584849 | 2,4- Toluene diisocyanate | Yes | 100 |
| 593602 | Vinyl bromide (bromoethene) | Yes | 600 |
| 624839 | Methyl isocyanate | Yes | 100 |
| 680319 | Hexamethylphosphoramide | No | 20 |
| 684935 | N- Nitroso-N-methylurea | Yes | 0 |
| 748794 | Mercuric chloride [8] | No | 20 |
| 822060 | Hexamethylene-1,6-diisocyanate | No | 20 |
| 1120714 | 1,3- Propane sultone | No | 30 |
| 1308389 | Trivalent chromium compounds (chromium oxide) | No | 2,000 |
| 1309644 | Antimony trioxide [8] | No | 1,000 |
| 1319773 | Cresols/Cresylic acid (isomers and mixture) [8] | Yes | 1,000 |
| 1330207 | Xylenes (isomers and mixture) [8] | Yes | 2,000 |
| 1332214 | Asbestos | No | 0 |

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APPENDIX II
HAZARDOUS AIR POLLUTANTS
SORTED BY CAS NUMBER

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|--|-----|----------------------------|
| 1336363 | Polychlorinated biphenyls (Aroclors, PCBs) | Yes | 18 |
| 1345046 | Antimony trisulfide [8] | No | 100 |
| 1582098 | Trifluralin | No | 2,000 |
| 1634044 | Methyl tert butyl ether | Yes | 2,000 |
| 1746016 | 2,3,7,8- Tetrachlorodibenzo-p-dioxin [8] | No | 0.0012 |
| 3547044 | p,p'- Dichlorodiphenyl ethane (DDE) [8] | Yes | 20 |
| 7439921 | Lead and compounds (except those specifically listed) [5] | No | 20 |
| 7439965 | Manganese and compounds (except those specifically listed) [5] [8] | No | 800 |
| 7439976 | Elemental mercury [8] | No | 20 |
| 7440020 | Nickel compounds (except those specifically listed) [5] [8] | No | 1,000 |
| 7440360 | Antimony compounds (except those specifically listed) [5] [8] | No | 2,000 |
| 7440382 | Arsenic and inorganic arsenic compounds [8] | No | 10 |
| 7440417 | Beryllium compounds (except Beryllium salts) [5] [8] | No | 16 |
| 7440439 | Cadmium compounds (except those specifically listed) [5] [8] | No | 20 |
| 7440473 | Chromium compounds (except Hexavalent and Trivalent) [5] [8] | No | 2,000 |
| 7440484 | Cobalt compounds (except those specifically listed) [5] [8] | No | 100 |
| 7488564 | Selenium sulfide (mono and di) [8] | No | 100 |
| 7550450 | Titanium tetrachloride | No | 100 |
| 7647010 | Hydrochloric acid | No | 2,000 |
| 7664393 | Hydrogen fluoride (Hydrofluoric acid) | No | 100 |
| 7723140 | Phosphorous | No | 100 |
| 7782492 | Selenium and compounds (except those specifically listed) [5] [8] | No | 100 |
| 7782505 | Chlorine | No | 100 |
| 7783075 | Hydrogen selenide [8] | No | 100 |
| 7783702 | Antimony pentafluoride [8] | No | 100 |
| 7784421 | Arsine [8] | No | 10 |
| 7803512 | Phosphine | No | 2,000 |
| 8001352 | Toxaphene (chlorinated camphene) | No | 20 |
| 10025737 | Chromic chloride | No | 100 |
| 10045940 | Mercuric nitrate [8] | No | 0 |
| 10102188 | Sodium selenite [8] | No | 100 |
| 10210681 | Cobalt carbonyl [8] | No | 100 |
| 12035722 | Nickel subsulfide [8] | No | 40 |
| 12108133 | Methylcyclopentadienyl manganese | No | 100 |
| 13410010 | Sodium selenate [8] | No | 100 |
| 13463393 | Nickel carbonyl [8] | No | 0 |
| 14464461 | Silica (crystalline) [8] | No | 0 |
| 14807966 | Talc (containing asbestos form fibers) [8] | No | 0 |
| 18540299 | Hexavalent chromium and compounds [8] | No | 4 |
| 28300745 | Antimony potassium tartrate [8] | No | 1,000 |
| 62207765 | Fluomine | No | 100 |
| 65997173 | Glass wool [8] | No | 0 |
| 66733219 | Erionite [8] | No | 0 |
| 99999918 | Radionuclides (including radon)[4] | No | [7] |
| 142844006 | Ceramic fibers [8] | No | 0 |

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APPENDIX II
HAZARDOUS AIR POLLUTANTS
SORTED BY CAS NUMBER

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|--|-----|----------------------------|
| - | Beryllium salts [8] | No | 0.04 |
| - | Cyanide compounds (except those specifically listed) [1] [5] [8] | No | 2,000 |
| - | Coke oven emissions | No | 30 |
| - | Glycol ethers (except those specifically listed) [2] [5] [8] | No | 0 |
| - | Mineral fiber compounds (except those specifically listed) [3] [5] [8] | No | 0 |
| - | Mercury compounds (except those specifically listed) [5] [8] | No | 20 |
| - | Rock wool [8] | No | 0 |
| - | Slag wool [8] | No | 0 |
| - | Polycyclic organic matter-POM (except those specifically listed) [5] [8] | Yes | 20 |
| - | Dioxins & Furans (TCDD equivalent) [6] | No | 0 |

[1] XCN where X=H or any other group where a formal dissociation may occur

[2] Include mono-and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where n=1, 2, or 3; R=alkyl or aryl groups, R'=R,H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH)_n-OH. Polymers are excluded from the glycol category. Ethylene glycol monobutyl ether is excluded from this category.

[3] Includes glass microfibers, glass wool fibers, rock wool fibers and slag wool fibers, each characterized as "respirable" (fiber diameter < 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) > 3.

[4] A type of atom which spontaneously undergoes radioactive decay.

[5] For this chemical group, specific copounds or subgroups are named specifically in this table. For the remainder of the chemicals in the chemical group, a single *de minimis* value is listed, and this value applies to the sum of the compounds in the group which are not named specifically.

[6] The "toxic equivalen factor" method in EPA/625/3-89-016, [U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures] should be used for PCDD/PCDF mixtures. A different *de minimis* level will be determined for each mixture depending on the equivalency factors which are compound specific.

[7] The EPA relies on Subparts B and I, and Appendix E of 40 CFR Part 61 and assigns a *de minimis* level based on an effective dose equivalent of 0.3 millirem per year for a 7 year exposure period that would result in a cancer risk of 1 per million. The individual radionuclides subject to *de minimis* levels used for section 112(g) are also contained in 40 CFR Part 61.

APPENDIX II
HAZARDOUS AIR POLLUTANTS
SORTED BY CAS NUMBER

[8] Emissions from all substances in each set below should be aggregated for the purpose of determining major source status as described in Chapter 2, section 001:

| |
|---|
| Cresols/Cresylic acid (isomers and mixture); m-Cresol; o-Cresol; p-Cresol |
| Xylenes (isomers and mixture); m-Xylenes; o-Xylenes, p-Xylenes |
| Antimony compounds; Antimony pentafluoride; Antimony potassium tartrate; Antimony trioxide; Antimony trisulfide |
| Arsenic and inorganic arsenic compounds; Arsine |
| Beryllium compounds (except Beryllium salts); Beryllium salts |
| Cadmium compounds; Cadmium oxide |
| Chromium compounds (except Hexavalent and Trivalent); Hexavalent chromium compounds; Trivalent chromium compounds (chromium oxide) |
| Cobalt compounds; Cobalt carbonyl |
| Cyanide compounds; Potassium cyanide; Sodium cyanide |
| Glycol ethers; 2-Ethoxy ethanol; 2-Methoxy ethanol |
| Lead and compounds; Tetraethyl lead; Tetramethyl lead |
| Mercury compounds; Elemental mercury; Mercuric chloride; Mercuric nitrate; Phenyl mercuric acetate |
| Mineral fiber compounds; Ceramic fibers; Erionite; Glass wool; Rock Wool; Silica (crystalline); Slag wool; Talc (containing asbestos form fibers); |
| Nickel compounds; Nickel carbonyl; Nickel refinery dust; Nickel subsulfide |
| Polycyclic organic matter (POM); 2-Acetylaminofluorene; 4-Aminobiphenyl; Benzidine; Biphenyl; Carbaryl; Chlorobenzilate; Dibenzofurans; 3,3-Dichlorobenzidine; p,p'-Dichlorodiphenyl ethane (DDE); 3,3-Dimethoxybenzidine; 3,3'-Dimethylbenzidine; 4,4-Methylene bis(2 Chloroaniline); Methylene Diphenyl Diisocyanate; 4-Nitrobiphenyl; Quinoline; 2,3,7,8-Tetrachlorodibenzo-p-dioxin |
| Selenium and compounds; Hydrogen selenide; Selenium sulfide (mono and di); Sodium selenate; Sodium selenite |

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APPENDIX III
HAZARDOUS AIR POLLUTANTS
SORTED BY CHEMICAL NAME

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|---|-----|----------------------------|
| 75070 | Acetaldehyde | Yes | 2,000 |
| 60355 | Acetamide | Yes | 1,000 |
| 75058 | Acetonitrile | Yes | 1,000 |
| 98862 | Acetophenone | Yes | 1,000 |
| 53963 | 2- Acetylaminofluorine [8] | Yes | 10 |
| 107028 | Acrolein | Yes | 40 |
| 79061 | Acrylamide | Yes | 20 |
| 79107 | Acrylic acid | Yes | 600 |
| 107131 | Acrylonitrile | Yes | 300 |
| 107051 | Allyl chloride | Yes | 1,000 |
| 92671 | 4- Aminobiphenyl [8] | Yes | 1,000 |
| 62533 | Aniline | Yes | 1,000 |
| 90040 | o- Anisidine | Yes | 1,000 |
| 7440360 | Antimony compounds (except those specifically listed) [5] [8] | No | 2,000 |
| 7783702 | Antimony pentafluoride [8] | No | 100 |
| 28300745 | Antimony potassium tartrate [8] | No | 1,000 |
| 1309644 | Antimony trioxide [8] | No | 1,000 |
| 1345046 | Antimony trisulfide [8] | No | 100 |
| 7440382 | Arsenic and inorganic arsenic compounds [8] | No | 10 |
| 7784421 | Arsine [8] | No | 10 |
| 1332214 | Asbestos | No | 0 |
| 56553 | Benz(a)anthracene | Yes | 20 |
| 225514 | Benz(c)aridine | Yes | 20 |
| 71432 | Benzene | Yes | 1,000 |
| 92875 | Benzidine [8] | Yes | 0.6 |
| 50328 | Benzo(a)pyrene | Yes | 20 |
| 205992 | Benzo(b)fluoranthene | Yes | 20 |
| 98077 | Benzotrichloride | Yes | 12 |
| 100447 | Benzyl chloride | Yes | 100 |
| 7440417 | Beryllium compounds (except Beryllium salts) [5] [8] | No | 16 |
| - | Beryllium salts [8] | No | 0.04 |
| 92524 | Biphenyl [8] | Yes | 2,000 |
| 117817 | Bis(2-ethylhexyl)phthalate(DEHP) | Yes | 2,000 |
| 542881 | Bis(chloromethyl)ether | Yes | 0.6 |
| 75252 | Bromoform | Yes | 2,000 |
| 106990 | 1,3- Butadiene | Yes | 70 |
| 7440439 | Cadmium compounds (except those specifically listed) [5] [8] | No | 20 |
| 130618 | Cadmium oxide [8] | No | 20 |
| 156627 | Calcium cyanamide | No | 2,000 |
| 133062 | Captan | No | 2,000 |
| 63252 | Carbaryl [8] | No | 2,000 |
| 75150 | Carbon disulfide | Yes | 1,000 |
| 56235 | Carbon tetrachloride | Yes | 1,000 |
| 463581 | Carbonyl sulfide | Yes | 2,000 |
| 120809 | Catechol | Yes | 2,000 |

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APPENDIX III
HAZARDOUS AIR POLLUTANTS
SORTED BY CHEMICAL NAME

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|--|-----|----------------------------|
| 142844006 | Ceramic fibers [8] | No | 0 |
| 133904 | Chloramben | No | 1,000 |
| 57749 | Chlordane | Yes | 20 |
| 7782505 | Chlorine | No | 100 |
| 79118 | Chloroacetic acid | Yes | 100 |
| 532274 | 2- Chloroacetophenone | Yes | 60 |
| 108907 | Chlorobenzene | Yes | 2,000 |
| 510156 | Chlorobenzilate [8] | Yes | 400 |
| 67663 | Chloroform | Yes | 900 |
| 107302 | Chloromethyl methyl ether | Yes | 100 |
| 126998 | Chloroprene | Yes | 1,000 |
| 10025737 | Chromic chloride | No | 100 |
| 7440473 | Chromium compounds (except Hexavalent and Trivalent) [5] [8] | No | 2,000 |
| 218019 | Chrysene | Yes | 20 |
| 10210681 | Cobalt carbonyl [8] | No | 100 |
| 7440484 | Cobalt compounds (except those specifically listed) [5] [8] | No | 100 |
| - | Coke oven emissions | No | 30 |
| 108394 | m- Cresol [8] | Yes | 1,000 |
| 95487 | o- Cresol [8] | Yes | 1,000 |
| 106445 | p- Cresol [8] | Yes | 1,000 |
| 1319773 | Cresols/Cresylic acid (isomers and mixture) [8] | Yes | 1,000 |
| 98828 | Cumene | Yes | 2,000 |
| - | Cyanide compounds (except those specifically listed) [1] [5] [8] | No | 2,000 |
| 94757 | 2,4- D, salts, esters (2,4-Dichlorophenoxy acetic acid) | Yes | 2,000 |
| 334883 | Diazomethane | Yes | 1,000 |
| 53703 | Dibenz(a, h)anthracene | Yes | 20 |
| 132649 | Dibenzofurans [8] | No | 2,000 |
| 189559 | 1,2:7,8- Dibenzopyrene | Yes | 20 |
| 96128 | 1,2- Dibromo-3-chloropropane | Yes | 20 |
| 84742 | Dibutylphthalate | Yes | 2,000 |
| 106467 | 1,4- Dichlorobenzene(p) | Yes | 1,000 |
| 91941 | 3,3'- Dichlorobenzidine [8] | Yes | 200 |
| 3547044 | p,p'- Dichlorodiphenyl ethane (DDE) [8] | Yes | 20 |
| 111444 | Dichloroethyl ether (Bis(2-chloroethyl)ether) | Yes | 60 |
| 542756 | 1,3- Dichloropropene | Yes | 1,000 |
| 62737 | Dichlorvos | Yes | 200 |
| 111422 | Diethanolamine | Yes | 2,000 |
| 64675 | Diethyl sulfate | Yes | 1,000 |
| 119904 | 3,3'- Dimethoxybenzidine [8] | Yes | 100 |
| 60117 | 4- Dimethyl aminoazobenzene | Yes | 1,000 |
| 119937 | 3,3' Dimethyl benzidine [8] | Yes | 16 |
| 79447 | Dimethyl carbamoyl chloride | Yes | 20 |
| 68122 | Dimethyl formamide | Yes | 1,000 |
| 57147 | 1,1- Dimethyl hydrazine | Yes | 16 |
| 131113 | Dimethyl phthalate | Yes | 2,000 |

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APPENDIX III
HAZARDOUS AIR POLLUTANTS
SORTED BY CHEMICAL NAME

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|--|-----|----------------------------|
| 77781 | Dimethyl sulfate | Yes | 100 |
| 121697 | N,N- Dimethylaniline | Yes | 1,000 |
| 57976 | 7,12- Dimethylbenz(a)anthracene | Yes | 0 |
| 534521 | 4,6- Dinitro-o-cresol, and salts | No | 100 |
| 51285 | 2,4- Dinitrophenol | Yes | 1,000 |
| 121142 | 2,4- Dinitrotoluene | Yes | 20 |
| 123911 | 1,4- Dioxane (1,4-Diethyleneoxide) | Yes | 2,000 |
| - | Dioxins & Furans (TCDD equivalent) [6] | No | 0 |
| 122667 | 1,2- Diphenylhydrazine | Yes | 90 |
| 7439976 | Elemental mercury [8] | No | 20 |
| 106898 | Epichlorohydrin (1-Chloro-2,3-epoxypropane) | Yes | 1,000 |
| 106887 | 1,2- Epoxybutane | Yes | 1,000 |
| 66733219 | Erionite [8] | No | 0 |
| 110805 | 2- Ethoxy ethanol [8] | No | 2,000 |
| 140885 | Ethyl acrylate | Yes | 1,000 |
| 100414 | Ethyl benzene | Yes | 2,000 |
| 51796 | Ethyl carbamate (Urethane) | No | 800 |
| 75003 | Ethyl chloride (Chloroethane) | Yes | 2,000 |
| 106934 | Ethylene dibromide (Dibromoethane) | Yes | 100 |
| 107062 | Ethylene dichloride (1,2-Dichloroethane) | Yes | 1,000 |
| 107211 | Ethylene glycol | Yes | 2,000 |
| 151564 | Ethyleneimine (Aziridine) | Yes | 6 |
| 75218 | Ethylene oxide | Yes | 100 |
| 96457 | Ethylene thiourea | No | 600 |
| 75343 | Ethylidene dichloride (1,1-Dichloroethane) | Yes | 1,000 |
| 62207765 | Fluomine | No | 0 |
| 50000 | Formaldehyde | Yes | 1,000 |
| 65997173 | Glass wool [8] | No | 0 |
| - | Glycol ethers (except those specifically listed) [2] [5] [8] | No | 0 |
| 76448 | Heptachlor | Yes | 20 |
| 118741 | Hexachlorobenzene | No | 20 |
| 87683 | Hexachlorobutadiene | Yes | 900 |
| 77474 | Hexachlorocyclopentadiene | Yes | 100 |
| 67721 | Hexachloroethane | No | 2,000 |
| 822060 | Hexamethylene,-1,6-diisocyanate | No | 20 |
| 680319 | Hexamethylphosphoramide | No | 20 |
| 110543 | Hexane | Yes | 2,000 |
| 18540299 | Hexavalent chromium compounds [8] | No | 4 |
| 302012 | Hydrazine | No | 8 |
| 7647010 | Hydrochloric acid | No | 2,000 |
| 74908 | Hydrogen cyanide | No | 0 |
| 7664393 | Hydrogen fluoride (Hydrofluoric acid) | No | 100 |
| 7783075 | Hydrogen selenide [8] | No | 100 |
| 123319 | Hydroquinone | Yes | 1,000 |
| 193395 | Ideno(1,2,3-cd)pyrene | Yes | 20 |

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APPENDIX III
HAZARDOUS AIR POLLUTANTS
SORTED BY CHEMICAL NAME

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|--|-----|----------------------------|
| 78591 | Isophorone | Yes | 2,000 |
| 7439921 | Lead and compounds (except those specifically listed) [5] [8] | No | 20 |
| 58899 | Lindane (all isomers) | No | 20 |
| 108316 | Maleic anhydride | No | 1,000 |
| 7439965 | Manganese and compounds (except those specifically listed) [5] | No | 800 |
| 748794 | Mercuric chloride [8] | No | 20 |
| 10045940 | Mercuric nitrate [8] | No | 20 |
| - | Mercury compounds (except those specifically listed) [5] [8] | No | 20 |
| 67561 | Methanol | Yes | 2,000 |
| 108864 | 2- Methoxy ethanol [8] | No | 2,000 |
| 72435 | Methoxychlor | Yes | 2,000 |
| 74839 | Methyl bromide (Bromomethane) | Yes | 2,000 |
| 74873 | Methyl chloride (Chloromethane) | Yes | 2,000 |
| 71556 | Methyl chloroform (1,1,1-Trichloroethane) | No | 2,000 |
| 60344 | Methyl hydrazine | Yes | 60 |
| 74884 | Methyl iodide (Iodomethane) | Yes | 1,000 |
| 108101 | Methyl isobutyl ketone | Yes | 2,000 |
| 624839 | Methyl isocyanate | Yes | 100 |
| 80626 | Methyl methacrylate | Yes | 2,000 |
| 1634044 | Methyl tert butyl ether | Yes | 2,000 |
| 12108133 | Methylcyclopentadienyl manganese | No | 100 |
| 101144 | 4,4- Methylene bis (2-chloroaniline) [8] | No | 200 |
| 75092 | Methylene chloride (Dichloromethane) | No | 2,000 |
| 101688 | Methylene diphenyl diisocyanate (MDI) [8] | No | 100 |
| 101779 | 4,4'- Methylenedianiline | No | 1,000 |
| - | Mineral fiber compounds (except those specifically listed) [3] [5] [8] | No | 0 |
| 91203 | Naphthalene | Yes | 2,000 |
| 13463393 | Nickel carbonyl [8] | No | 100 |
| 7440020 | Nickel compounds (except those specifically listed) [5] [8] | No | 1,000 |
| 1146 | Nickel refinery dust [8] | No | 80 |
| 12035722 | Nickel subsulfide [8] | No | 40 |
| 98953 | Nitrobenzene | Yes | 1,000 |
| 92933 | 4- Nitrobiphenyl [8] | Yes | 1,000 |
| 100027 | 4- Nitrophenol | Yes | 2,000 |
| 79469 | 2- Nitropropane | Yes | 1,000 |
| 62759 | N- Nitrosodimethylamine | Yes | 2 |
| 59892 | N- Nitrosomorpholine | Yes | 1,000 |
| 684935 | N- Nitroso-N-methylurea | Yes | 0.4 |
| 56382 | Parathion | Yes | 100 |
| 82688 | Pentachloronitrobenzene (Quintobenzene) | Yes | 300 |
| 87865 | Pentachlorophenol | Yes | 700 |
| 108952 | Phenol | Yes | 100 |
| 62384 | Phenyl mercuric acetate [8] | No | 20 |
| 106503 | p- Phenylenediamine | Yes | 2,000 |
| 75445 | Phosgene | Yes | 100 |

Appendix III-4

Effective Date 6/15/2011 (Rev 12/13/2006)

APPENDIX III
HAZARDOUS AIR POLLUTANTS
SORTED BY CHEMICAL NAME

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|---|-----|----------------------------|
| 7803512 | Phosphine | No | 2,000 |
| 7723140 | Phosphorous | No | 100 |
| 85449 | Phthalic anhydride | No | 2,000 |
| 1336363 | Polychlorinated biphenyls (Aroclors, PCBs) | Yes | 18 |
| - | Polycyclic organic mater-POM (except those specifically listed) [5] [8] | Yes | 20 |
| 151508 | Potassium cyanide [8] | No | 100 |
| 1120714 | 1,3- Propane sultone | No | 30 |
| 57578 | beta- Propiolactone | Yes | 100 |
| 123386 | Propionaldehyde | Yes | 2,000 |
| 114261 | Propoxur (Baygon) | No | 2,000 |
| 78875 | Propylene dichloride (1,2-Dichloropropane) | Yes | 1,000 |
| 75569 | Propylene oxide | Yes | 2,000 |
| 75558 | 1,2- Propylenimine (2-Methyl aziridine) | Yes | 6 |
| 91225 | Quinoline [8] | Yes | 12 |
| 106514 | Quinone | Yes | 2,000 |
| 99999918 | Radionuclides (including radon)[4] | No | [7] |
| - | Rock wool [8] | No | 0 |
| 7782492 | Selenium and compounds (except those specifically listed) [5] [8] | No | 100 |
| 7488564 | Selenium sulfide (mono and di) [8] | No | 100 |
| 14464461 | Silica (crystalline) [8] | No | 0 |
| - | Slag wool [8] | No | 0 |
| 14333 | Sodium cyanide [8] | No | 100 |
| 13410010 | Sodium selenate [8] | No | 100 |
| 10102188 | Sodium selenite [8] | No | 100 |
| 100425 | Styrene | Yes | 1,000 |
| 96093 | Styrene oxide | Yes | 1,000 |
| 14807966 | Talc (containing asbestos form fibers) [8] | No | 0 |
| 1746016 | 2,3,7,8- Tetrachlorodibenzo-p-dioxin [8] | No | 0.0012 |
| 79345 | 1,1,2,2- Tetrachloroethane | Yes | 300 |
| 127184 | Tetrachloroethylene (Perchloroethylene) | No | 2,000 |
| 78002 | Tetraethyl lead [8] | No | 20 |
| 75741 | Tetramethyl lead [8] | No | 20 |
| 7550450 | Titanium tetrachloride | No | 100 |
| 108883 | Toluene | Yes | 2,000 |
| 95807 | 2,4- Toluene diamine | Yes | 20 |
| 584849 | 2,4- Toluene diisocyanate | Yes | 100 |
| 95534 | o- Toluidine | Yes | 1,000 |
| 8001352 | Toxaphene (chlorinated camphene) | No | 20 |
| 120821 | 1,2,4- Trichlorobenzene | Yes | 2,000 |
| 79005 | 1,1,2- Trichloroethane | Yes | 1,000 |
| 79016 | Trichloroethylene | Yes | 2,000 |
| 95954 | 2,4,5- Trichlorophenol | Yes | 1,000 |
| 88062 | 2,4,6- Trichlorophenol | Yes | 2,000 |
| 121448 | Triethylamine | Yes | 2,000 |
| 1582098 | Trifluralin | No | 2,000 |

Effective Date 6/15/2011 (Rev 12/13/2006)

Appendix III-5

APPENDIX III
HAZARDOUS AIR POLLUTANTS
SORTED BY CHEMICAL NAME

| CAS Number | Chemical Name | VOC | Reporting Level (Lbs/Year) |
|------------|---|-----|----------------------------|
| 540841 | 2,2,4- Trimethylpentane | Yes | 2,000 |
| 1308389 | Trivalent chromium compounds (chromium oxide) [8] | No | 2,000 |
| 108054 | Vinyl acetate | Yes | 1,000 |
| 593602 | Vinyl bromide (bromoethene) | Yes | 600 |
| 75014 | Vinyl chloride | Yes | 200 |
| 75354 | Vinylidenechloride (1,1-Dichloroethylene) | Yes | 400 |
| 108383 | m- Xylenes [8] | Yes | 2,000 |
| 95476 | o- Xylenes [8] | Yes | 2,000 |
| 106423 | p- Xylenes [8] | Yes | 2,000 |
| 1330207 | Xylenes (isomers and mixture) [8] | Yes | 2,000 |

[1] XCN where X=H or any other group where a formal dissociation may occur

[2] Include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethyleneglycol R-(OCH₂CH₂)_n-OR' where n=1, 2, or 3; R=alkyl or aryl groups, R'=R,H, or groups which, when removed, yield glycol ethers

with the structure: R-(OCH₂CH)_n-OH. Polymers are excluded from the glycol category. Ethylene glycol monobutyl ether is excluded from this category.

[3] Includes glass microfibers, glass wool fibers, rock wool fibers and slag wool fibers, each characterized as "respirable" (fiber diameter < 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) > 3.

[4] A type of atom which spontaneously undergoes radioactive decay.

[5] For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals in the chemical group, a single *de minimis* value is listed, and this value applies to the sum of the compounds in the group which are not named specifically.

[6] The "toxic equivalent factor" method in EPA/625/3-89-016, [U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures] should be used for PCDD/PCDF mixtures. A different *de minimis* level will be determined for each mixture depending on the equivalency factors which are compound specific.

[7] The EPA relies on Subparts B and I, and Appendix E of 40 CFR Part 61 and assigns a *de minimis* level based on an effective dose equivalent of 0.3 millirem per year for a 7 year exposure period that would result in a cancer risk of 1 per million. The individual radionuclides subject to *de minimis* levels used for section 112(g) are also contained in 40 CFR Part 61.

APPENDIX III HAZARDOUS AIR POLLUTANTS SORTED BY CHEMICAL NAME

[8] Emissions from all substances in each set below should be aggregated for the purpose of determining major source status as described in Chapter 2, section 001:

| |
|---|
| Cresols/Cresylic acid (isomers and mixture); m-Cresol; o-Cresol; p-Cresol |
| Xylenes (isomers and mixture); m-Xylenes; o-Xylenes, p-Xylenes |
| Antimony compounds; Antimony pentafluoride; Antimony potassium tartrate; Antimony trioxide; Antimony trisulfide |
| Arsenic and inorganic arsenic compounds; Arsine |
| Beryllium compounds (except Beryllium salts); Beryllium salts |
| Cadmium compounds; Cadmium oxide |
| Chromium compounds (except Hexavalent and Trivalent); Hexavalent chromium compounds; Trivalent chromium compounds (chromium oxide) |
| Cobalt compounds; Cobalt carbonyl |
| Cyanide compounds; Potassium cyanide; Sodium cyanide |
| Glycol ethers; 2-Ethoxy ethanol; 2-Methoxy ethanol |
| Lead and compounds; Tetraethyl lead; Tetramethyl lead |
| Mercury compounds; Elemental mercury; Mercuric chloride; Mercuric nitrate; Phenyl mercuric acetate |
| Mineral fiber compounds; Ceramic fibers; Erionite; Glass wool; Rock Wool; Silica (crystalline); Slag wool; Talc (containing asbestos form fibers); |
| Nickel compounds; Nickel carbonyl; Nickel refinery dust; Nickel subsulfide |
| Polycyclic organic matter (POM); 2-Acetylaminofluorene; 4-Aminobiphenyl; Benzidine; Biphenyl; Carbaryl; Chlorobenzilate; Dibenzofurans; 3,3-Dichlorobenzidine; p,p'-Dichlorodiphenyl ethane (DDE); 3,3-Dimethoxybenzidine; 3,3'-Dimethylbenzidine; 4,4-Methylene bis(2 Chloroaniline); Methylene Diphenyl Diisocyanate; 4-Nitrobiphenyl; Quinoline; 2,3,7,8-Tetrachlorodibenzo-p-dioxin |
| Selenium and compounds; Hydrogen selenide; Selenium sulfide (mono and di); Sodium selenate; Sodium selenite |

Effective Date 6/15/2011 (Rev 12/13/2006)

Appendix III-7

40 CFR 51.15(c) requires that emissions and supporting data be reported to the EPA; some of the supporting data may have been declared Business Confidential in previous submittals. Further, 40CFR51.15(d) declares that the EPA does not consider any of the information required to be submitted confidential and thus available in the public domain.

If you believe that any part of the information contained in your emission inventory qualifies for the Confidential Business Information exemption from public disclosure, you must provide, at a minimum, the information requested below, for the City's review.

The City of Omaha's Air Quality Control will make a determination after reviewing the facts you provide, but a mere declaration of confidentiality, without supporting detailed facts, will not suffice.

You will be notified of the City's decision before taking any action on your request. If it is determined that the information is eligible for confidential treatment under State Law, that portion of your information will not be submitted to the EPA, and therefore not be made available to the public. If your request for confidentiality is denied, you will be informed and all the information will be submitted to the EPA.

1) Does your business assert a business confidentiality claim for portions of the information submitted in this emissions inventory? If so, state below which parts of the information submitted would fall under the business confidentiality claim.

☒ No ☐ Yes

2) Can your business satisfactorily show that it has taken reasonable measures to protect the confidentiality of this information, and that it intends to continue to take such measures? If yes, give a description of those measures:

☒ No ☐ Yes

Confidential Business Information Substantiation

3) Does your business claim that the information is not, and has not been, reasonably obtainable without the business's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding)?

☒ No ☐ Yes

4) Can your business satisfactorily show that disclosure of the information is likely to cause substantial harm to the business's competitive position? If so, describe how a competitor could potentially use the declared information for a competitive advantage; describe the harm that would result from disclosure; state why the harm should be viewed as substantial; and describe how the disclosure would cause the harm.

☒ No ☐ Yes

Name of Signer (printed)

Signature

Confidential Business Information Substantiation

General Plant Information

YEAR OF EMISSION INVENTORY - 2015

| | | | | | |
|---|---------------------------|--------------|-------------|----------------------|------------|
| Facility Name | ABC STEAM AND PAINT | | | Facility ID | AA001 |
| Facility Street Address | 6500 PENNSYLVANIA AVENUE | | | | |
| City | Omaha | State | NE | Zip | 68136-2436 |
| Person to Contact - Facility | GEORGE BRETT | | | Title | CEO |
| Phone (Area Code, Phone Number, Ext.) | (123) 456-7890 | | Ext. | 666 | |
| Company Mailing Address | 2006 PARADISE DRIVE | | | | |
| City | Omaha | State | NE | Zip | 68024-7931 |
| Person to Contact - Company | HARRY CARRY | | | Title | PRESIDENT |
| Plant Owner | WILL SMITH ENTERPRISES | | | | |
| Plant Manager | WONT SMITH | | | | |
| Property Owner (if different from plant owner) | | | | | |
| Product / Principal Activity | STEAM AND PAINT SPECIALTY | | | | |
| Primary Standard Industrial Classification (SIC) | 2331 | | | | |
| NAICS Code | 315212 | | | | |
| Number of employees | 200 | | | | |
| Geographical Information : | | | | Land in Acres | 10 |
| | Degrees | | | | |
| Latitude | | | | | |
| Longitude | | | | | |

EMISSION STATEMENT

TOTAL PLANT EMISSIONS (TONS PER YEAR)

| TSP | PM ₁₀ | PM _{2.5} | SO _x | NO _x | VOC | CO | LEAD | OTHER | HAPS | AMMONIA |
|-------|------------------|-------------------|-----------------|-----------------|-------|-------|------|-------|------|---------|
| 43.18 | 8.39 | 3.16 | 1.16 | 32.90 | 15.42 | 26.08 | 0.00 | | 6.91 | 0.25 |

The undersigned hereby certifies that they have personally examined and are familiar with the information and statements contained herein and further certifies that they believe this information and statements to be true, accurate, and complete. The emission factors represent those used in the generation of the permit for this facility.

Name of Person Completing Form

| | | | | | |
|--------------|--------------|-------------|-----------|------------------|--|
| Print | GEORGE BRETT | Date | 2/13/2016 | Signature | |
|--------------|--------------|-------------|-----------|------------------|--|

Name of Authorized Company Representative (Responsible Official of Record)

| | | | | | |
|--------------|-------------|-------------|-----------|------------------|--|
| Print | HARRY CARRY | Date | 2/16/2016 | Signature | |
|--------------|-------------|-------------|-----------|------------------|--|

Comments: THIS HAS BEEN PREPARED AND PUT TOGETHER AS AN EXAMPLE OF THE EIQ REPORT FORM FOR THE EIQ QAPP. ANY RESEMBLANCE TO A REAL FACILITY IS ACCIDENTAL.

OAQC reserves the right to audit the reported emissions. All records and calculations used in completing this summary must be retained for a minimum of five years.

Company Name: WILL SMITH ENTERPRISESFacility Name: ABC STEAM AND PAINFacility Address: 6500 PENNSYLVANIA AVENUECity: Omaha State: NE Zip: 68136-2436Permit Number: MAAA001**A. RESPONSIBLE OFFICIAL**Name: CARRY HARRY LARRY
(Last) (First) (MI)Title: PRESIDENTAddress: 6500 PENNSYLVANIA AVENUECity: Omaha State: NE Zip: 68136-2436Telephone: (402) 444-6015 Ext. 218 Fax: (402) 444-6016**40 CFR §70.2***Responsible official* means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA);

- ☐ Annual Compliance Certification ☐ Quarterly Report ☐ _____
☐ Semi-Annual Report ☐ Permit Application ☐ Emission Inventory Questionnaire

B. Certification of Truth, Accuracy, and Completeness

(to be signed by the responsible official)

I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in these documents are true, accurate, and complete.

Name (signed): _____

Name: HARRY LARRY CARRYDate November 28, 2016

Emission Fee Calculations

REPORTED EMISSIONS

| | | | | | | | | | | |
|-------|------------------|-------------------|-----------------|-----------------|-------|-------|------|------|-------|---------|
| TSP | PM ₁₀ | PM _{2.5} | SO _x | NO _x | VOC | CO | LEAD | HAPS | OTHER | AMMONIA |
| 43.18 | 8.39 | 3.16 | 1.16 | 32.90 | 15.42 | 26.08 | 0.00 | 6.91 | | 0.25 |

| | | | | | | | | | |
|-------|-------|-------|------|--------------------|-------|-------|-------|------|--|
| | | | | Emission Limits | | | | | |
| 50.00 | 25.00 | 12.50 | 1.34 | 38.26 | 17.94 | 30.30 | 10.00 | 0.40 | |
| 86% | 34% | 25% | 86% | 86% | 86% | 86% | 69% | 63% | |
| | | | | Percentage Emitted | | | | | |

CHARGEABLE EMISSIONS (Maximum 4000 tons/yr. Cap per Pollutant) {For Class I Sources Only}

| | | | | | | | | | | | |
|-------|------------------|-------------------|-----------------|-----------------|-------|-----------|-----------------|-----------|-------|-----------|-------|
| TSP | PM ₁₀ | PM _{2.5} | SO _x | NO _x | VOC | CO | LEAD | HAPS | OTHER | AMMONIA | TOTAL |
| 43.18 | NO CHARGE | NO CHARGE | 1.16 | 32.90 | 15.42 | NO CHARGE | Included in TSP | NO CHARGE | 0.00 | NO CHARGE | 92.67 |

| | | | | | | | |
|-----------------------------|--|---------------------|--|---------------|--|------------|--|
| Person to Contact - Invoice | | GEORGE BRETT | | Title | | CEO | |
| Invoice Mailing Address | | 2006 PARADISE DRIVE | | | | | |
| Invoice City | | Omaha | | Invoice State | | NE | |
| | | | | Invoice Zip | | 68024-7931 | |

DO NOT SEND CHECKS
Finance Department will Invoice you

No confidentiality claimed, this information may be made available to the public without notice to the business.

Emission Unit Summary

| Emission Unit ID | Emission Unit Description | Process ID Connected to this Point | SCC Code | Process Description | Emission Unit Serial # | Control Equipment ID Connected to this Process | Stack / Vent-ID Connected to This Process (Otherwise - Fugitive) |
|------------------|------------------------------|------------------------------------|-------------|----------------------------------|------------------------|--|--|
| 001 | Boiler | | | 95 MMBtu/hr McDonald Boiler | BB020406 | | 001 |
| 001 | | 01 | 1-03-006-02 | Natural Gas | | | |
| 001 | | 02 | 1-03-005-02 | Diesel fuel | | | |
| 002 | Blast Cleaner | | | | | | |
| | | 01 | 3-09-002-02 | Burger Big Blast | BB010305 | | 002 |
| | | | | | | | |
| 003 | Surface Coating | | | | | | |
| | | 01 | 4-02-001-01 | Widget Prime and Paint | | | 003 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | Insignificant Emission Units | | | | | | |
| | | | | 5 - 0.185 MMBtu/hr Space Heaters | 85497 | | |
| | | | | 1 - 35,500 Btu/hr Water Heater | 33646 | | |
| | | | | | | | |

O Business confidentiality claimed per 40CFR§2.203

● No confidentiality claimed, this information may be made available to the public without notice to the business

Materials UsedIn Production

| <u>Emission Unit ID</u> | <u>Process ID</u> | <u>Raw Materials Used in Production</u> | | | | <u>** Chemicals Used in Production</u> | | | | <u>Final Product</u> | | |
|-----------------------------|-------------------|---|-----------------------------------|--------------|--------------|--|---------------------|-----------------------------------|--------------|--------------------------------|---------------------------------------|--------------|
| | | <u>Type of Material</u> | <u>Annual Amount Used</u> | <u>Units</u> | <u>Hours</u> | <u>MSDS #</u> | <u>Product Code</u> | <u>Annual Amount Used</u> | <u>Units</u> | <u>Product Description</u> | <u>Annual Amount produced</u> | <u>Units</u> |
| 001 | 01 | Natural Gas | 605,200,000 | CF | 6500 | | | | | | | |
| | | Diesel fuel | 264,050 | Gallons | 400 | | | | | | | |
| | | Abrasive | 889,000 | Pounds | | | | | | | | |
| | | | | | | 1.00 | 1234 | 2,000 | Gallons | | | |
| | | | | | | 2.00 | 2345 | 1,500 | Gallons | | | |
| | | | | | | 3.00 | 3456 | 3,500 | Gallons | | | |
| | | | | | | 4.00 | 4567 | 4,000 | Gallons | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| 002 | 01 | | | | | | | | | | | |
| 003 | 01 | | | | | | | | | | | |

No confidentiality claimed, this information may be made available to the public without notice to the business.

Emissions CalculatingWith Emissionfactors

| | | | | | |
|------------------|-----|------------|----|---------------------|------------------|
| Emission Unit ID | 002 | Process ID | 01 | Process Description | Burger Big Blast |
|------------------|-----|------------|----|---------------------|------------------|

| | | | |
|-------------|----------------------------------|------------------|------------------------|
| SCC No. | SCC3 Description | SCC4 Description | SCC Units |
| 3-09-002-02 | Abrasive Blasting of Metal Parts | Sand Abrasive | Tons Abrasive Consumed |

Control Equipment Connected To this Process

| Control Equipment ID | Control Equipment Description | Capture Efficiency CE [%] | Control Equipment Code (EPA) | ~ Pollutants Removed by this Device and Suggested Range of Removal Efficiency | | | | Connection to Stack ID (Otherwise - Fugitive) |
|----------------------|-------------------------------|---------------------------|------------------------------|---|------|-------|--|---|
| | | | | TSP | PM10 | PM2.5 | | |
| | | | | SOX | | VOC | | 002 |
| | | | | CO | | | | |

Stack Connected To this Process (Control Device)

| Stack ID | Building Height [ft.] | Stack Height (Above Building) [ft.] | Stack Inside Diameter [ft.] | Stack Type | Emissions Temperature [°F] | Emissions Velocity [ft./Second] | Emissions Flow Rate [cu. ft. / sec.] | Other Points ID Sharing this Stack |
|----------|-----------------------|-------------------------------------|-----------------------------|------------|----------------------------|---------------------------------|--------------------------------------|------------------------------------|
| 002 | 24 | 4 | 0.5 | 02 | Ambient | 0 | 0 | 00 |

Calculations

| Pollutant | *Control Equipment Efficiency CDE [%] | **Overall Control Efficiency OE={CDE}/10000 [Decimal] | 1 - OE [Decimal] | Emission Factors [lbs / unit] | Emission Factor Source | Annual Throughput [No. of units] | ***Estimated (Measured) Emissions [lbs / year] | Estimated (Measured) Emissions [tons / year] |
|-------------------|---------------------------------------|---|------------------|-------------------------------|------------------------|----------------------------------|--|--|
| TSP | | 0 | 1 | 182 | Permit | 444.50 | 69,342 | 40.45 |
| PM ₁₀ | | 0 | 1 | 26 | Permit | 444.50 | 10,401 | 5.78 |
| PM _{2.5} | | 0 | 1 | 2.6 | Permit | 444.50 | 1,156 | 0.58 |
| SO _x | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |
| NO _x | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |
| VOC | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |
| CO | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |
| Lead | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |
| Gaseous Haps | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |
| Particulate Haps | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |
| Ammonia | | 0 | 1 | 0 | | 444.50 | 0 | 0.00 |

* For Each Specific Pollutant
** Overall Control Efficiency OE (Decimal) = {Capture Efficiency CE (%) } x {Control Device Efficiency CDE (%) } / 10000
*** According to Source of Emission Factor

No confidentiality claimed, this information may be made available to the public without notice to the business.

VOC - Process Mass Balance

| | |
|------------------|-----|
| Emission Unit ID | 003 |
|------------------|-----|

| | |
|------------|----|
| Process ID | 01 |
|------------|----|

| | |
|-----|-------------|
| SCC | 4-02-001-01 |
|-----|-------------|

| | |
|------------------------|-----|
| Connection to Stack ID | 003 |
| Stack Type | 03 |

VOC -TOTAL MASS CALCULATIONS

| Material # | MSDS # | *Material Type | Product Code |
|------------|--------|----------------|--------------|
| 1 | 1 | Paint | 1234 |
| 2 | 2 | Paint | 2345 |
| 3 | 3 | Paint | 3456 |
| 4 | 4 | Paint | 4567 |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

| Annual Throughput of Material (Indicate Units) | |
|--|---------|
| Amount | Units |
| 2,000 | Gallons |
| 1,500 | Gallons |
| 3,500 | Gallons |
| 4,000 | Gallons |

| Lbs of Material Per Unit |
|--------------------------|
| 10.26 |
| 7.78 |
| 6.42 |
| 10.28 |

| % by Weight of VOC in Material |
|--------------------------------|
| 4.14 |
| 50.00 |
| 80.00 |
| 6.60 |

| Total VOC [Lbs/Yr.] |
|---------------------|
| 850 |
| 5,835 |
| 17,976 |
| 2,714 |
| 0 |
| 0 |
| 0 |
| 0 |
| 0 |
| 0 |

| | |
|---------------------------------------|--------|
| [1] Total VOC Annual Throughput [Lbs] | 27,374 |
|---------------------------------------|--------|

* Cleaning, Degreasing, Solvent, etc.

VOC RECOVERED - CALCULATIONS

| Control Equipment | |
|-------------------|--------------|
| ID | None |
| [3] Efficiency | 0% |
| Description | Uncontrolled |
| Code (EPA) | 000 |

| Shipping # | Shipping Document # |
|------------|---------------------|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |

| Material Shipped as Hazardous Waste [lbs] |
|---|
| |
| |
| |
| |
| |

| % VOC Content of Waste |
|------------------------|
| |
| |
| |
| |
| |

| Lbs of VOC Recovered |
|----------------------|
| 0 |
| 0 |
| 0 |
| 0 |
| 0 |
| 0 |

VOC EMITTED PRIOR TO CONTROL [LBS] = {Total VOC Annual Throughput} - {Total VOC Recovered} =

27,374.4 lbs.

VOC EMMITTED TO THE ATMOSPHERE [LBS] = {VOC Emitted Prior to Control} x {(100-Control Eff)/100} =

27,374.4 lbs.

| | | |
|--|----------------|--------------|
| [5] Total VOC Emissions per Point per Year | 27,374.4 [lbs] | 13.69 [tons] |
|--|----------------|--------------|

No confidentiality claimed, this information may be made available to the public without notice to the business.

Fuel Consumption In Combustion Equipment

POINT LEVEL

| Equipment Type | | | Equipment Information | | | | |
|--|------------|------|-----------------------|--|------------------------------|--|---------------------------|
| (1) (Enter "Combustion Equip. Type" # - in Box) | | | Coal Boilers Type | Max Hourly Design Rate (Capacity) [MMBtu/Hour] | Hours Equip. Used [Per Year] | Stack/Vent ID Connected to this Equip. | ID of Control Device Used |
| Emission Unit ID | Process ID | Type | (2) Firing Method | (3) Equip. Category | | | |
| 001 | 01 | 1 | Natural Gas () | | 95,000 | 6,500 | 001 |

(1) Combustion Equip. Type: Boilers 1-Electric Power Generation 2-Industrial Use 3-Commercial/Institutional Stack Type 02

Heaters 4-Space Heating 5-Process heating

(2) Firing Methods : 1-Tangential 2-Vertical 3-Front 4-Opposed

(3) Combustion Equipment Category : 1-Pulverized Coal 2-Pulverized Coal Dry Bottom 3-Pulverized Coal Wet Bottom 4-Cyclon 5-Fluidized Bed 6-Spreader Stoker 7-Overfeed Stoker 8-Underfeed Stoker 9-Hand Fired 10-Other (Specify)

PROCESS (SEGMENT) LEVEL

| Fuel Used With : | | Fuel Information | | | | SCC Description | | | |
|-------------------|------------|------------------|-------------------|------------------|----------------|-------------------|------------------------------|-------------------------|-----------------------------|
| Point ID | Process ID | Type | Annual Throughput | Units | % Ash [by Wt.] | % Sulfur [by Wt.] | Heat Content [Btu/Fuel Unit] | SCC Used with this Fuel | External Combustion Boilers |
| 001 | 01 | 209 | 605.20 | MMCF Natural Gas | | | 1,00DE+03 | 1-03-006-02 | Commercial/Institutional |
| 10 - 100 MMBTU | | | | | | | | | |
| Control Equipment | | | | | | | | | |
| Code (EPA) | | | | | | | | | |
| Description | | | | | | | | | |
| Uncontrolled | | | | | | | | | |

* Fuel Type : Oil Types 2 - Waste Oil 279 - Residual (Fuel Oil 5-6) 822 - Distillate (Fuel Oil 1-4)

Coal Types 173 - Lignite 640 - Anthracite 663 - Bituminous

Other Fuels 178 - LPG 209 - Natural Gas 251 - Process Gas 255 - Propane 277 - Refuse

EMISSIONS CALCULATIONS

| Air Pollutant | Overall Control Efficiency for Specific Pollutant - [%] | ** (1 - OE) | Emission Factors [lbs per unit] | Emission Factor Source | Annual Throughput [No. of units] | Ash or Sulfur [%] | Estimated Emissions [lbs /year] | Estimated Emissions [tons /year] |
|-------------------|---|-------------|---------------------------------|------------------------|----------------------------------|-------------------|---------------------------------|----------------------------------|
| TSP | 1.00 | | 7.6 | Permit | 605.20 | 0.00 | 4,600 | 2.30 |
| PM ₁₀ | 1.00 | | 7.6 | Permit | 605.20 | 0.00 | 4,600 | 2.30 |
| PM _{2.5} | 1.00 | | 7.6 | Permit | 605.20 | 0.00 | 4,600 | 2.30 |
| SO ₂ | 1.00 | | 0.6 | Permit | 605.20 | 0.00 | 363 | 0.18 |
| NO _x | 1.00 | | 100 | Permit | 605.20 | | 60,520 | 30.26 |
| VOC | 1.00 | X | 5.5 | Permit | 605.20 | | 3,329 | 1.66 |
| CO | 1.00 | | 84 | Permit | 605.20 | | 50,837 | 25.42 |
| LEAD | 1.00 | | 0.0005 | Permit | 605.20 | | 0 | 0.00 |
| HAPs | 1.00 | | 1.8824342 | Permit | 605.20 | | 1,139 | 0.57 |
| Ammonia | 1.00 | | 0.49 | Permit | 605.20 | | 297 | 0.15 |
| CO ₂ | 1.00 | | 120000 | Permit | 605.20 | | 72,624,000 | 36,312.00 |
| CH ₄ | 1.00 | | | Permit | 605.20 | | 0 | 0.00 |
| N ₂ O | 1.00 | | | | 605.20 | | 0 | 0.00 |

** OE (Decimal) = Overall Control Efficiency for specific Pollutant (%) / 100

PresenceOf Hazardous And Regulated Air Pollutants

If you use, produce or have as a by-product, one or more of the pollutants listed in Section 112 of the Clean Air Act Amended, complete the information requested on the following pages, for each pollutant you have. Material Safety Data Sheets have a list of hazardous ingredients that may appear on the section 112 list. Completion of "PRESENCE OF HAZARDOUS AIR POLLUTANTS IN PLANT" should include the amount on any 112 pollutant, using the highest % estimated from the MSDS sheet. Please provide a copy of MSDS for each material on which you report.

| Chemical # | Hazardous Air Pollutant | CAS # OR CODE | Total Amount | | Stack(s)/Vent(s) ID (Otherwise Fugitives) | Emissions Reported on FORM No. |
|------------|--|---------------|------------------------|----------------------|--|-----------------------------------|
| | | | Permitted [lb/year] | Emitted [lb/year] | | |
| 1 | 1,1 - Dichloroethane (Ethylidene Dichloride) | 75-34-3 | | | | |
| 2 | 1,1 - Dimethyl hydrazine | 57-14-7 | | | | |
| 3 | 1,1,1 - Trichloroethane (Methyl Chloroform) | 71-55-6 | | | | |
| 4 | 1,1,2 - Trichloroethane | 79-00-5 | | | | |
| 5 | 1,1,2,2 - Tetrachloroethane | 79-34-5 | | | | |
| 6 | 1,2 - Butylene oxide (1,2- Epoxybutane) | 106-88-7 | | | | |
| 7 | 1,2 - Dibromo-3-chloropropane | 96-12-8 | | | | |
| 8 | 1,2 - Dibromoethane (Ethylene Dibromide) | 106-93-4 | | | | |
| 9 | 1,2 - Dichloroethane (Ethylene Dichloride) | 107-06-2 | | | | |
| 10 | 1,2 - Dichloropropane (Propylene Dichloride) | 78-87-5 | | | | |
| 11 | 1,2 - Diphenylhydrazine | 122-66-7 | | | | |
| 12 | 1,2,4 - Trichlorobenzene | 120-82-1 | | | | |
| 13 | 1,3 - Butadiene | 106-99-0 | | | | |
| 14 | 1,3 - Dichloropropene | 542-75-6 | | | | |
| 15 | 1,4 - Dichlorobenzene | 106-46-7 | | | | |
| 16 | 1,4 - Dioxane | 123-91-1 | | | | |
| 17 | 2 - Acetylaminofluorene | 53-96-3 | | | | |
| 18 | 2 - Chloroacetophenone | 532-27-4 | | | | |
| 19 | 2 - Nitropropane | 79-46-9 | | | | |
| 20 | 2,2,4 - Trimethylpentane | 540-84-1 | | | | |
| 21 | 2,3,7,8 - Tetrachlorodibenzo-p-dioxin (TCDD) | 1746-01-6 | | | | |
| 22 | 2,4 - D (Salts & Esters) | 94-75-7 | | | | |
| 23 | 2,4 - Diaminotoluene (2,4 Toluene Diamine) | 95-80-7 | | | | |
| 24 | 2,4 - Dinitrophenol | 51-28-5 | | | | |
| 25 | 2,4 - Dinitrotoluene | 121-14-2 | | | | |
| 26 | 2,4,5 - Trichlorophenol | 95-95-4 | | | | |
| 27 | 2,4,6 - Trichlorophenol | 88-06-2 | | | | |
| 28 | 3,3' - Dichlorobenzidine | 91-94-1 | | | | |
| 29 | 3,3' - Dimethoxybenzidine | 119-90-4 | | | | |
| 30 | 3,3' - Dimethylbenzidine | 119-93-7 | | | | |
| 31 | 4 - Aminobiphenyl | 92-67-1 | | | | |
| 32 | 4 - Dimethylaminoazobenzene | 60-11-7 | | | | |
| 33 | 4 - Nitrobiphenyl | 92-93-3 | | | | |
| 34 | 4 - Nitrophenol | 100-02-7 | | | | |
| 35 | 4,4' - Methylenebis (2-chloroaniline) | 101-14-4 | | | | |
| 36 | 4,4' - Methyleneedianiline | 101-77-9 | | | | |
| 37 | 4,6 - Dinitro-o-cresol (& Salts) | 534-52-1 | | | | |
| 38 | Acetaldehyde | 75-07-0 | | | | |
| 39 | Acetamide | 60-35-5 | | | | |
| 40 | Acetonitrile | 75-05-8 | | | | |
| 41 | Acetophenone | 98-86-2 | | | | |
| 42 | Acrolein | 107-02-8 | | | | |
| 43 | Acrylamide | 79-06-1 | | | | |
| 44 | Acrylic acid | 79-10-7 | | | | |
| 45 | Acrylonitrile | 107-13-1 | | | | |
| 46 | Allyl chloride | 107-05-1 | | | | |
| 47 | Aniline | 62-53-3 | | | | |
| 48 | Antimony Compounds | 92 | | | | |
| 49 | Arsenic Compounds | 93 | | | | |

| Chemical # | Hazardous Air Pollutant | CAS # OR CODE | Total Amount | | Stack(s)/Vent(s) ID (Otherwise Fugitives) | Emissions Reported on FORM No. |
|------------|--|---------------|------------------------|----------------------|--|-----------------------------------|
| | | | Permitted [lb/year] | Emitted [lb/year] | | |
| 50 | Asbestos (friable) | 1332-21-4 | | | | |
| 51 | Benzene | 71-43-2 | | | | |
| 52 | Benzidine | 92-87-5 | | | | |
| 53 | Benzotrichloride | 98-07-7 | | | | |
| 54 | Benzyl chloride | 100-44-7 | | | | |
| 55 | Beryllium Compounds | 109 | | | | |
| 56 | beta-Propiolactone | 57-57-8 | | | | |
| 57 | Biphenyl | 92-52-4 | | | | |
| 58 | Bis(2-chloroethyl)ether (Dichloroethyl Ether) | 111-44-4 | | | | |
| 59 | Bis(chloromethyl)ether | 542-88-1 | | | | |
| 60 | Bromoform | 75-25-2 | | | | |
| 61 | Bromomethane (Methyl Bromide) | 74-83-9 | | | | |
| 62 | Cadmium Compounds | 125 | | | | |
| 63 | Calcium cyanamide | 156-62-7 | | | | |
| 64 | Captan | 133-06-2 | | | | |
| 65 | Carbaryl | 63-25-2 | | | | |
| 66 | Carbon disulfide | 75-15-0 | | | | |
| 67 | Carbon tetrachloride | 56-23-5 | | | | |
| 68 | Carbonyl sulfide | 463-58-1 | | | | |
| 69 | Catechol | 120-80-9 | | | | |
| 70 | Chloramben | 133-90-4 | | | | |
| 71 | Chlordane | 57-74-9 | | | | |
| 72 | Chlorine | 7782-50-5 | | | | |
| 73 | Chloroacetic acid | 79-11-8 | | | | |
| 74 | Chlorobenzene | 108-90-7 | | | | |
| 75 | Chlorobenzilate | 510-15-6 | | | | |
| 76 | Chloroethane (Ethyl Chloride) | 75-00-3 | | | | |
| 77 | Chloroform | 67-66-3 | | | | |
| 78 | Chloromethane (Methyl Chloride) | 74-87-3 | | | | |
| 79 | Chloromethyl methyl ether | 107-30-2 | | | | |
| 80 | Chloroprene | 126-99-8 | | | | |
| 81 | Chromium Compounds | 136 | | | | |
| 82 | Cobalt Compounds | 139 | | | | |
| 83 | Coke Oven Emissions | 140 | | | | |
| 84 | Cresol (mixed isomers) | 1319-77-3 | | | | |
| 85 | Cumene | 98-82-8 | | | | |
| 86 | Cyanide Compounds | 144 | | | | |
| 87 | DDE | 3547-04-4 | | | | |
| 88 | Di(2-ethylhexyl) phthalate (Dioctyl phthalate) | 117-81-7 | | | | |
| 89 | Diazomethane | 334-88-3 | | | | |
| 90 | Dibenzofuran | 132-64-9 | | | | |
| 91 | Dibutyl phthalate | 84-74-2 | | | | |
| 92 | Dichloromethane (Methylene chloride) | 75-09-2 | | | | |
| 93 | Dichlorvos | 62-73-7 | | | | |
| 94 | Diethanolamine | 111-42-2 | | | | |
| 95 | Diethyl sulfate | 64-67-5 | | | | |
| 96 | Dimethyl formamide | 68-12-2 | | | | |
| 97 | Dimethyl phthalate | 131-11-3 | | | | |
| 98 | Dimethyl sulfate | 77-78-1 | | | | |
| 99 | Dimethylcarbonyl chloride | 79-44-7 | | | | |
| 100 | Epichlorohydrin | 106-89-8 | | | | |
| 101 | Ethyl acrylate | 140-88-5 | | | | |
| 102 | Ethylbenzene | 100-41-4 | | 616 | 003 | 6.2 |
| 103 | Ethylene glycol | 107-21-1 | | 439 | 003 | 6.2 |
| 104 | Ethylene oxide | 75-21-8 | | | | |

| Chemical # | Hazardous Air Pollutant | CAS # OR CODE | Total Amount | | Stack(s)/Vent(s) ID (Otherwise Fugitives) | Emissions Reported on FORM No. |
|------------|--|---------------|------------------------|----------------------|--|-----------------------------------|
| | | | Permitted [lb/year] | Emitted [lb/year] | | |
| 105 | Ethylene thiourea | 96-45-7 | | | | |
| 106 | Ethyleneimine | 151-56-4 | | | | |
| 107 | Fine Mineral Fibers | 383 | | | | |
| 108 | Formaldehyde | 50-00-0 | | | | |
| 109 | Glycol Ethers | 171 | | | | |
| 110 | Heptachlor | 76-44-8 | | | | |
| 111 | Hexachloro-1,3-butadiene (Hexachlorobutadiene) | 87-68-3 | | | | |
| 112 | Hexachlorobenzene | 118-74-1 | | | | |
| 113 | Hexachlorocyclopentadiene (1,2,3,4,5,5-Hexachloro-1,3-cyclopentadiene) | 77-47-4 | | | | |
| 114 | Hexachloroethane | 67-72-1 | | | | |
| 115 | Hexamethylene-1, 6-diisocyanate | 822-06-0 | | | | |
| 116 | Hexamethylphosphoramide | 680-31-9 | | | | |
| 117 | Hexane | 110-54-3 | | | | |
| 118 | Hydrazine | 302-01-2 | | | | |
| 119 | Hydrochloric acid (Hydrogen chloride) | 7647-01-0 | | | | |
| 120 | Hydrogen fluoride | 7664-39-3 | | | | |
| 121 | Hydroquinone | 123-31-9 | | | | |
| 122 | Isophorone (3,5,5-Trimethyl-2-cyclohexen-1-one) | 78-59-1 | | | | |
| 123 | Lead Compounds | 195 | | | | |
| 124 | Lindane (1,2,3,4,5,6-Hexachlorocyclohexane, gamma isomer) | 58-89-9 | | | | |
| 125 | m-Cresol | 108-39-4 | | | | |
| 126 | m-Xylene (Xylene, meta) | 108-38-3 | | | | |
| 127 | Maleic anhydride | 108-31-6 | | | | |
| 128 | Manganese Compounds | 198 | | | | |
| 129 | Mercury Compounds | 199 | | | | |
| 130 | Methanol | 67-56-1 | | 584 | 003 | 6.2 |
| 131 | Methoxychlor | 72-43-5 | | | | |
| 132 | Methyl hydrazine | 60-34-4 | | | | |
| 133 | Methyl iodide | 74-88-4 | | | | |
| 134 | Methyl isobutyl ketone | 108-10-1 | | 4,494 | 003 | 6.2 (2) |
| 135 | Methyl isocyanate | 624-83-9 | | | | |
| 136 | Methyl methacrylate | 80-62-6 | | | | |
| 137 | Methyl tert-butyl ether (2-Methoxy-2-methyl propane) | 1634-04-4 | | | | |
| 138 | Methylene Diphenyl Diisocyanate (MDI) | 101-68-8 | | | | |
| 139 | N,N-Dimethylaniline | 121-69-7 | | | | |
| 140 | N-Nitroso-N-methylurea | 684-93-5 | | | | |
| 141 | N-Nitrosodimethylamine | 62-75-9 | | | | |
| 142 | N-Nitrosomorpholine | 59-89-2 | | | | |
| 143 | Naphthalene | 91-20-3 | | | | |
| 144 | Nickel Compounds | 226 | | | | |
| 145 | Nitrobenzene | 98-95-3 | | | | |
| 146 | o-Arisidine | 90-04-0 | | | | |
| 147 | o-Cresol | 95-48-7 | | | | |
| 148 | o-Toluidine | 95-53-4 | | | | |
| 149 | o-Xylene | 95-47-6 | | | | |
| 150 | p-Cresol | 106-44-5 | | | | |
| 151 | p-Phenylenediamine | 106-50-3 | | | | |
| 152 | p-Xylene | 106-42-3 | | | | |
| 153 | Parathion (2,2-Diethyl-o-(p-nitrophenyl) ester phosphorothioic acid) | 56-38-2 | | | | |
| 154 | Pentachlorophenol | 87-86-5 | | | | |
| 155 | Phenol | 108-95-2 | | | | |
| 156 | Phosgene | 75-44-5 | | | | |
| 157 | Phosphine | 7803-51-2 | | | | |
| 158 | Phosphorus (yellow or white) | 7723-14-0 | | | | |
| 159 | Phthalic anhydride | 85-44-9 | | | | |

| Chemical # | Hazardous Air Pollutant | CAS # OR CODE | Total Amount | | Stack(s)/Vent(s) ID (Otherwise Fugitives) | Emissions Reported on FORM No. |
|------------|--------------------------------------|---------------|------------------------|----------------------|--|-----------------------------------|
| | | | Permitted [lb/year] | Emitted [lb/year] | | |
| 160 | Polychlorinated biphenyls | 1336-36-3 | | | | |
| 161 | Polycyclic Organic Matter | 246 | | | | |
| 162 | Propane sulfone (1,3) | 1120-71-4 | | | | |
| 163 | Propionaldehyde | 123-38-6 | | | | |
| 164 | Propoxur | 114-26-1 | | | | |
| 165 | Propylene oxide | 75-56-9 | | | | |
| 166 | Propyleneimine (1,2) | 75-55-8 | | | | |
| 167 | Quinoline | 91-22-5 | | | | |
| 168 | Quinone | 106-51-4 | | | | |
| 169 | Quintozene (Pentachloronitrobenzene) | 82-68-8 | | | | |
| 170 | Radionuclides (including Radon) | 400 | | | | |
| 171 | Selenium Compounds | 253 | | | | |
| 172 | Styrene | 100-42-5 | | | | |
| 173 | Styrene oxide | 96-09-3 | | | | |
| 174 | Tetrachloroethylene | 127-18-4 | | | | |
| 175 | Titanium tetrachloride | 7550-45-0 | | | | |
| 176 | Toluene | 108-88-3 | | 4,494 | 003 | 6.2 (2) |
| 177 | Toluene-2,4-diisocyanate | 584-84-9 | | | | |
| 178 | Toxaphene | 8001-35-2 | | | | |
| 179 | Trichloroethylene | 79-01-6 | | | | |
| 180 | Triethylamine | 121-44-8 | | | | |
| 181 | Trifluralin (Nitrin) | 1582-09-8 | | | | |
| 182 | Urethane (Ethyl Carbamate) | 51-79-6 | | | | |
| 183 | Vinyl acetate | 108-05-4 | | | | |
| 184 | Vinyl bromide | 593-60-2 | | | | |
| 185 | Vinyl chloride | 75-01-4 | | | | |
| 186 | Vinylidene chloride | 75-35-4 | | | | |
| 187 | Xylenes (mixed isomers) | 1330-20-7 | | 2,056 | 003 | 6.2 (2) |

Total Tons = 12,682

| Chemical # | Other Regulated Air Pollutant (That is not a HAP or criteria pollutant) | CAS # OR CODE | Total Amount | | Stack(s)/Vent(s) ID (Otherwise Fugitives) | Emissions Reported on FORM No. |
|------------|--|---------------|------------------------|----------------------|--|-----------------------------------|
| | | | Permitted [lb/year] | Emitted [lb/year] | | |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| 4 | | | | | | |
| 5 | | | | | | |
| 6 | | | | | | |
| 7 | | | | | | |
| 8 | | | | | | |
| 9 | | | | | | |
| 10 | | | | | | |

No confidentiality claimed, this information may be made available to the public without notice to the business.

Hazardous Air Pollutants (HAPs) - Mass Balance

| | |
|-------------------|--------------------------|
| TOTAL HAPS [tons] | TOTAL HAPS AS VOC (tons) |
| 0.41 | 0.41 |

* Paint, solvent, degreaser, etc.

No confidentiality claimed, this information may be made available to the public without notice to the business.

Hazardous Air Pollutants (HAPs) - Mass Balance

| | |
|-------------------|--------------------------|
| TOTAL HAPS [tons] | TOTAL HAPS AS VOC (tons) |
| 1.03 | 1.03 |

* Paint, solvent, degreaser, etc.

Stack Information

[illegible]

- 01 Fugitive
- 02 Vertical
- 03 Horizontal
- 04 Goose neck
- 05 Vertical with rain cap
- 06 Downward facing vent

No confidentiality claimed, this information may be made available to the public without notice to the business.

Emissions Summary

| SUMMARY OF ACTUAL EMISSIONS [tons/yr.] | | | | | | | | | | | | | | Greenhouse Gases | | | |
|--|------------|-------|------------------|-------------------|-----------------|-----------------|-------|-------|------|--------------|------------------|----------------------------|---------|------------------|-----------------|------------------|--|
| Point ID | Process ID | TSP | PM ₁₀ | PM _{2.5} | SO _x | NO _x | VOC | CO | LEAD | GASEOUS HAPS | PARTICULATE HAPS | OTHER REGULATED POLLUTANTS | AMMONIA | CO ₂ | CH ₄ | N ₂ O | |
| 002 | 01 | 40.45 | 5.78 | 0.58 | | | | | | | | | | | | | |
| | 01 | | | | | | 13.89 | | | | | | | | | | |
| | 01 | 2.30 | 2.30 | 2.30 | 0.18 | 30.26 | 1.66 | 25.42 | 0.00 | 0.57 | | | 0.15 | 36,312.00 | | | |
| | 02 | 0.44 | 0.31 | 0.28 | 0.98 | 2.64 | 0.07 | 0.66 | | | | | 0.11 | | | | |
| | 01 | | | | | | | | | 0.41 | | | | | | | |
| | 01 | | | | | | | | | 0.41 | | | | | | | |
| | 01 | | | | | | | | | 4.49 | | | | | | | |
| | 01 | | | | | | | | | 1.03 | | | | | | | |
| | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |
| 003 | 01 | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | |
|-----------------------------------|-------|------------------|-------------------|-----------------|-----------------|-------|-------|------|----------|------------|-------|---------|------------------|-----------------|------------------|
| TOTAL ACTUAL EMISSIONS (tons/yr.) | | | | | | | | | | | | | Greenhouse Gases | | |
| | TSP | PM ₁₀ | PM _{2.5} | SO _x | NO _x | VOC | CO | LEAD | GAS HAPS | PART. HAPS | OTHER | AMMONIA | CO ₂ | CH ₄ | N ₂ O |
| | 43.18 | 8.39 | 3.16 | 1.16 | 32.90 | 15.42 | 26.08 | 0.00 | 6.91 | | | 0.25 | 36,312.00 | | |

If this communication has reached you in error, please forward it to the proper individual. If you will also let us know how to contact them, we will make the necessary changes to our records.

ATTENTION: Action required by March 31

Please find attached the forms for the Emission Inventory (EI) for your facility. As part of your permit, you are required to submit these forms (with throughput entered in appropriate cells), completed and signed, no later than March 31. Previous versions of this form are not acceptable and will be returned as incomplete. Sources that fail to comply with the submittal deadline may be billed on their potential to emit.

Incomplete EI's (missing required information or information necessary to validate emission calculations) will be returned. Returned EI's are still subject to the March 31 deadline.

You will only be able to change information on four of the worksheets; 1.0 (General Plant Information), CTAC, 2.0 (Emission Fee Calculations), and 4.0 (Materials used in production – throughputs only). Using the "Tab" key will move you to the cells where changes are allowed. If there is other information that needs to be changed, return the form to us electronically with an explanation as to which data you are requesting be updated. Also provide contact information to allow us to follow-up if necessary. Print ranges have been established to print on letter sized paper in appropriate orientations and should not be changed.

Submission back to our office at airinventory@ci.omaha.ne.us is preferred. You will need to print the page on tab 1.0 (General Plant Information) and CTAC, sign them, and return them. Please verify that this information is correct. The mailing address is below.

All of the throughput information should be entered in the tab 4.0 (Materials Used in Production). If you have added additional materials or chemicals that need to be included, please let us know so that we can add this to the EI for you. Providing MSDS sheets to our office throughout the year as new materials are used (purchased) will allow more timely updates to your emission inventory. We must be provided with all necessary information for any additional materials that need to be added to your emission inventory by February 28th.

If you need help or have any questions in regards to completing your emission inventory, please contact us as early as possible.

For more information about the attached forms, contact Tim Burns at (402) 444-3915, extension 218.

Air Quality Control Division
5600 South 10th Street
Omaha NE 68107-3501

**Environmental Quality Control Division
Omaha Air Quality Control**

**Quality Assurance Project Plan
for the
Air Emissions Inventory Program**

December 2016

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APPENDIX D – Hazardous Air Pollutants

Abbreviations and Acronyms

| | |
|-------|---|
| AERR | Air Emission Reporting Rule |
| CERR | Consolidated Emissions Reporting Rule |
| CPI | Consumer Price Index |
| DQA | Data Quality Assessment |
| DQO | Data Quality Objective |
| EDO | Environmental Data Operation |
| EIS | Emission Inventory System |
| EPA | Environmental Protection Agency |
| EQCD | Environmental Quality Control Division |
| IIS | Integrated Information System |
| NDEQ | Nebraska Department of Environmental Quality |
| NEI | National Emission Inventory |
| NIF | National Inventory Format |
| OAQC | Omaha Air Quality Control |
| QA | Quality Assurance |
| QAPP | Quality Assurance Project Plan |
| QA/QC | Quality Assurance / Quality Control |
| QC | Quality Control |
| SOP | Standard Operating Procedure |
| USEPA | United States Environmental Protection Agency |

1.0 QA Project Plan Identification and Approval

Title: *Quality Assurance Project Plan for the Air Emissions Inventory Program*

This QAPP for the Air Emissions Inventory Program is hereby recommended for approval and commits the Department to follow the elements described within.

1. Signature: _____ Date: _____

Diane Harris EPA Region VII QA Manager

2. Signature: _____ Date: _____

Mark Lohnes NDEQ QA Manager

3. Signature: _____ Date: _____

Kara Valentine NDEQ Deputy Director

4. Signature: _____ Date: _____

Kevin Stoner NDEQ Air Division Administrator

5. Signature: _____ Date: _____

Carrie Wiese Unit Supervisor

6. Signature: _____ Date: _____

David Brown Program Specialist

7. Signature: _____ Date: _____

Tim Burns OAQC Supervisor

2.0 Distribution

A hard copy of this QAPP has been distributed to the following individuals.

| | | | |
|----------------|------------------------|-------|--------------------------|
| Diane Harris | QA Manager | USEPA | Region 7 |
| Mark Lohnes | QA Manager | NDEQ | Environmental Assistance |
| Kara Valentine | Deputy Director | NDEQ | Administration |
| Kevin Stoner | Division Administrator | NDEQ | Air Quality |
| Carrie Wiese | Unit Supervisor | NDEQ | Air Quality |
| David Brown | Program Specialist | NDEQ | Air Quality |
| Tim Burns | Division Supervisor | OAQC | |

3.0 Project/Task Organization

3.1 Program Roles and Responsibilities

OAQC is responsible for developing and implementing a system that will meet the data quality requirements for this project. It is their responsibility to assess the quality of the data and take corrective action when appropriate.

3.1.1 EPA Region 7 Office

EPA Regional Offices have been developed to address environmental issues related to the states within their jurisdiction and to administer and oversee regulatory and congressional mandated programs. The major quality assurance responsibilities of EPA's Region 7 Office, in regards to the Air Emissions Inventory Program, are the coordination of quality assurance matters at the Regional levels with the State and local agencies. This is accomplished by the designation of EPA Regional Project Officers who are responsible for the technical aspects of the program including:

- Reviewing QAPPs by Regional QA Officers who are delegated the authority to review and approve QAPPs for the Agency.
- Evaluating quality system performance through technical systems audits.
- Making the technical and quality assurance information developed by EPA Headquarters and the Region available to the State and local agencies.
- Making EPA Headquarters aware of the unmet quality assurance needs of the State and local agencies.

Nebraska will direct all QA questions to the EPA Region 7 office.

3.1.2 Nebraska Department of Environmental Quality

A responsibility of State and local agencies is the implementation of a satisfactory air emissions inventory program, which includes the implementation of an appropriate quality assurance program. It is the responsibility of State and local agencies to implement quality assurance programs in all phases of the environmental data operation (EDO), including the field, their own laboratories, and in any consulting and contractor laboratories which they may use to obtain data. An EDO is defined as work performed to obtain, use, or report information pertaining to environmental processes or conditions.

3.2 Position Roles and Responsibilities

The following information lists the specific responsibilities of the individuals involved in the Quality Assurance and Technical Support. Due to the size of OAQC, the supervisor of OAQC is largely responsible to administering all facets of the Air Emissions Inventory.

3.2.1 Manager

Manager of the Environmental Quality Control Division

The Manager has overall responsibility for managing the EQCD. The direct responsibility for assuring data quality rests with OAQC staff. The Manager will work with staff to establish QA policy and to resolve QA issues identified through the QA program.

3.2.2 OAQC Supervisor

Quality Assurance Responsibilities

Oversight of the QA program is delegated to the OAQC Supervisor. The OAQC Supervisor has the authority to carry out these responsibilities and to bring any issues related to these responsibilities to the attention of his or her respective Manager. The OAQC Supervisor is responsible for overseeing the QA activities of the Air Emissions Inventory Program and is therefore responsible for:

- Ensuring that a QAPP is in place for all environmental data operations associated with the Air Emissions Inventory Program and that it is up-to-date.
- Ensuring that technical systems audits, audits of data quality and data quality assessments occur within the appropriate schedules and conducting or participating in these audits.
- Ensuring that technical personnel follow the QAPP.
- Reviewing and approving the QAPP for the Air Emissions Inventory Program.
- Ensuring timely follow-up and corrective actions resulting from auditing and evaluation activities.
- Facilitating management systems reviews.
- Understanding Department QA policy and ensuring staff members understand and follow the policy.
- Understanding and ensuring adherence to the Air Emission Inventory QAPP.
- Reviewing acquisition packages (contracts, grants, cooperative agreements, inter-agency agreements) to determine the necessary QA requirements.
- Ensuring that all personnel involved in environmental data collection have access to any training or QA information needed to be knowledgeable in QA requirements, protocols, and technology recommending required management-level corrective actions.
- Acting as a conduit for information to staff.
- Assisting staff in developing standard operating procedures and appropriate QA documentation.

Technical Responsibilities

The OAQC Supervisor is responsible for coordinating the information management activities of the Air Emissions Inventory Program. The main responsibilities include:

- Conduct the Air Emissions Inventory Program. Design and distribute forms and instructions and review for accuracy and completeness. Conduct a point source inventory. Input data into databases.
- Develop plans to address who receives annual emissions inventory report forms and how random requests are made.
- Perform audits of emissions inventory reports, including facility audits.
- Develop a plan to address how random audits at sources are determined.
- Preparing data management standard operating procedures.
- Provide assistance on emission inventory issues to the public and regulated community through telephone contacts and onsite/walk-in visits.
- Evaluate and oversee the collection of air emission inventory fees. Identify payment errors and take corrective actions.
- Ensuring the adherence to the QAPP where applicable.
- Ensuring access to data for timely reporting and interpretation processes.
- Participating in training activities.
- Verifying that all required QA activities are performed as required in the QAPP.

4.0 Problem Definition/Background

The City of Omaha maintains an air pollutant emissions inventory for facilities in Omaha's City Limits pursuant to the Omaha Municipal Code Chapter 41. All sources subject to permit requirements under Chapter 41 are required to submit a completed air emissions report annually to the City if requested to do so. The City requests an air emissions inventory report from all Class I and Class II sources. Additionally, Class I major sources are also required to pay an annual emissions fee for each ton of regulated pollutant emitted to the air by the facility. The City requires all sources with operating permits to complete an emissions inventory to obtain emissions data as required by the AERR. For definitions of the Class I, and Class II, source classifications please refer to Appendix A (Title 129 – Nebraska Air Quality Regulations).

The information on the air emissions inventory reports is provided to NDEQ to help evaluate emission trends and to support various modeling efforts on both the local and national level. Additionally, the emissions reports provide information which must be submitted on a scheduled basis to a national air emissions database maintained by the EPA. The specific emissions data elements that the City must collect and submit to the EPA are outlined in the EPA Air Emissions Reporting Rule.

5.0 Project/Task Description

5.1 Description of Work to be Performed

Emissions inventory questionnaires will be provided to selected sources to aid them in the calculation of actual air emissions of both criteria and hazardous pollutants. Air emissions information for the City of Omaha is then reviewed, verified, and submitted to NDEQ and EPA for review. Emission inventory fees will be evaluated and collected from all permitted sources. Emissions information provided to the EPA to satisfy the requirements of the AERR (Air Emissions Reporting Rule) are then incorporated into the National Emission Inventory (NEI). The emissions data provided to EPA will include criteria pollutant information as required by the AERR.

5.2 Inventory Schedule

All sources that are required to complete an air emissions inventory form will be provided electronic copies of the report forms on January 1st of each year. The completed inventories must be received by the City on or before March 31st to be considered timely. Summary sheets, with the signature of the responsible official, must be submitted with a postmark on or before March 31st. Sources which owe an emissions fee will be invoiced with the amount due on July 1st.

5.3 Project Assessment

There are various assessment techniques for this project. Essentially, the effectiveness and performance of the Air Emissions Inventory Program is evaluated through audits, performance evaluations, and management system reviews. See section Assessment Activities for more on these specific assessment techniques.

6.0 Quality Objectives and Performance Criteria

The purpose of compiling an annual air emissions inventory is to help the NDEQ evaluate emission trends in the state as well as help the City verify that sources are adhering to permit limitations. The complete annual inventory should provide estimated totals of actual emissions for each of the criteria pollutants. Data Quality Objectives and Performance Criteria for the emissions inventory program are as follows:

6.1 Data Quality Objectives (DQOs)

The emissions inventory will be used for the following purposes:

1. To provide data to the NDEQ to evaluate the air quality trends in the state of Nebraska,
2. To verify source compliance with permit limitations and to provide additional checks on source permit classification.
3. To evaluate air emission fees for Class I major sources.
4. To make air emission information available to the state of Nebraska for national emissions databases, and
5. To provide emissions data to support modeling efforts at various scales.

In order to achieve the DQO's noted above, the additional following DQO's relating to the emissions inventory process are necessary.

1. Ensure that all required sources complete and submit the emissions inventory questionnaire.
2. Ensure that the completed emission inventory forms include all the necessary information as required by the AERR (Air Emissions Reporting Rule).
3. Ensure that calculation methods and results are consistent with appropriate methods.

6.2 Performance Criteria

Once DQO's are established, the quality of the data must be evaluated and controlled to ensure that it is maintained within the established acceptance criteria. Performance criteria are designed to evaluate and control various phases of the emissions inventory process to ensure that any uncertainty is within an acceptable range with respect to the DQO's noted above. The following performance criteria have been established for the emissions inventory program:

Computer Checks – The air emissions information is entered into a City maintained Excel worksheet. To be clear, the information includes all emissions that have been supplied by the reporting sources. Quality control checks are built into the system to verify the emission calculations as the data is being entered. Specifically, emissions data

at the segment level (unit or process level) is entered along with an SCC (Source Classification Code) code and corresponds with the information included in the sources permit.

Audits – A sample of the emission inventory reports are selected at random for complete audits. Typically, 5 to 10 audits are completed each year. This represents approximately 10% of the Class I major sources and 10% of the smaller sources. A facility inspection is conducted to ensure that all emission points noted in the emissions inventory report fully account for all the emission points found at the facility. Facility production and purchasing records are reviewed to verify the throughput totals which are used to calculate the total actual emissions.

7.0 Special Training Requirements/Certification

Appropriate training is available to employees supporting the Air Emissions Inventory Program commensurate with their duties. Such training may consist of classroom lectures, workshops, teleconferences, and on-the-job training. Emission inventory personnel will attend the annual Emission Inventory Conference as resources allow.

8.0 Documentation and Records

For the Air Emissions Inventory Program, there are a number of documents and records that need to be retained. A document, from a records management perspective, is a volume that contains information that describes, defines, specifies reports, certifies, or provides data or results pertaining to environmental programs. As defined in the *Federal Records Act of 1950 and the Paperwork Reduction Act of 1995* (now 44 U.S.C. 3101-3107), records are: "...books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal Law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them...". The following reports are used in the Air Emissions Inventory Program:

8.1 Emission Inventory Report Forms

These reports are created and updated by City and provided to permitted sources to help aid them in accounting for actual air emissions from their facilities. The forms, along with instructions, are emailed to each source as an *Excel* file. The completed emissions reports are retained in the City's Reports and Data files for each of the sources. The handling procedure for these documents is addressed in Emission Inventory Handling And Custody Requirements of this Quality Assurance Project Plan. Refer to Appendix B for a copy of the emissions inventory report form and Appendix C for a copy of the instructions.

8.2 Audit Reports

Facility audit inspections are conducted by Air Quality Staff and reports are generated to document all findings. The audit reports are retained in the facility files at the City and a copy is sent to the source for their records. Details of the auditing process are outlined in section 11.1.3 of this Quality Assurance Project Plan.

8.3 Quality Assurance Report

A quality assurance (QA) report is sent to NDEQ to document findings and changes after QA reviews have been completed. Once the emissions data from the questionnaires has been reviewed, entered into the City's database, and facility audits have been performed, it is possible to perform QA checks. This occurs in the November/December timeframe each year when emission inventory activities have been completed or are nearing completion for that reporting period.

The QA report will document any known problems with the data set and how they will be corrected. In general, the QA report gives an overall assessment of how good the

emissions inventory data set is.

9.0 Emission Inventory Design

The purpose of this section is to describe the components of the emission inventory design to be used to obtain air emissions information for the City of Omaha.

9.1 Inventory Schedule

On January 1 of each year the air emission inventory report forms will be made available to those sources that are required to complete the inventory report. A copy will be sent to these sources via email. The completed emissions reports must be received by the City (and summary sheets with the signature of the responsible official with a postmark date) on or before March 31 of that same year to be considered a timely submittal. Sources which owe air emission fees will be invoiced by the City for the amount due. The air emission fees are due July 1.

9.2 Source Selection

All sources in Omaha City Limits that are permitted as Class I or Class II will be required to complete the annual air emissions report. Definitions of these permitting classifications can be found in the Nebraska Air Quality Regulations (Title 129).

9.3 Measurement Parameters

The air emission inventory report forms are designed to help sources calculate the actual quantities of criteria air pollutants that are emitted to the air. The criteria pollutants include: carbon monoxide, oxides of nitrogen, lead, particulate matter (Total Suspended Particulates [TSP], PM₁₀ [with an aerodynamic diameter less than or equal to 10 micrometers], and PM_{2.5} [with an aerodynamic diameter less than or equal to 2.5 micrometers]), sulfur oxides, and volatile organic compounds. The AERR also requires ammonia emissions be reported.

9.4 Emission Inventory Form Content

The emission inventory forms are made up of general information sections pertinent to all industry types and specific forms designed to be completed by specific facility types. These sections contain specific operational, emission factor, and control factor information relevant to that industrial process. The air emissions inventory report form used by the City can be found in Appendix B. Detailed instructions found in Appendix C provide information explaining how each section of the emissions report should be completed.

9.5 Emission Inventory Form/Air Emissions Reporting Rule

The air emissions inventory form currently contains and will be updated as necessary to reflect elements required in the EPA Air Emissions Reporting Rule (AERR) for point

sources. This information will be submitted to the EPA following the schedule outlined in the AERR.

As noted, the emissions inventory report for the City of Omaha covers point source data only for the City. The NDEQ will review all EPA area and mobile source estimates to ensure that data in those categories is accounted for as outlined in the AERR.

10.0 Emission Inventory Handling And Custody Requirements

10.1 Filing Procedure

The completed emission inventory forms with signatures are submitted via the U.S. Postal Service, courier, or hand delivered. These are then date stamped and forwarded to the Emission Inventory personnel for review. After review, they are placed into storage files maintained for each facility.

10.2 Fee Handling Procedure

Class I major sources must pay an emissions fee for each ton of regulated pollutant reported on the emissions inventory form. After all emission inventories have been received, a rate study is completed. The rate study compares OAQC's approved budget and existing rate structure. If fees need to be adjusted to meet budgetary needs, Consumer Price Index (CPI) increases serve as the starting point to reconcile expenses and revenue. If fees need to be adjusted to meet the approved budget, a resolution is prepared for submittal to the City Council in early May.

Fees are calculated for each facility and this information is then sent to the Finance Department for invoices to be generated. The invoices are then provided to OAQC and are sent to the facilities with supporting documentation reflecting the basis of the invoice.

The Finance Department receives all payments and processes them per their procedures.

11.0 Quality Control Requirements

To assure the quality of data gathered from the air emission inventories, two important control functions must be performed. One function is the control of the data transfer as emissions data is delivered to NDEQ. The other function is to perform audits of the information contained in the reports through facility inspections and review of purchasing and production records. In addition to these planned quality control functions there are numerous quality assessments of the emissions data through comparisons with other compliance and permitting emissions information. Specifically, air emissions data is made available during the permitting process. Permit engineers will be reviewing all the emissions information the City has for a particular facility and therefore discrepancies with the emissions inventory data can be brought to the attention of Emission Inventory personnel for further review.

11.1 QC Procedures

11.1.1 Initial Review

The air emissions inventory reports are initially reviewed by Emissions Inventory personnel for completeness, checking to see if all required emissions data elements have been provided. This process involves comparing the known emission points from historical records with those being reported. This allows Emissions personnel to note any significant changes that may have occurred or may not have been accounted for in the past. Additionally, emission factor and control factor values are checked to verify that they are acceptable values by the City.

During this initial QC review phase, any supplemental information that the source provides to substantiate emissions calculations is also reviewed. This additional documentation may include new emission calculation methods being used and therefore must be verified before proceeding with data entry into the database.

The emission inventory reports must be determined to be complete before emissions information is submitted to NDEQ. Emission inventory forms are considered complete if they contain all of the required information necessary to verify the air emission calculations which is in turn necessary for submittal to the NEI. All emissions reports are complete before they are entered into the database.

11.1.2 Computer Controls

After the emissions information is initially reviewed by Emissions Inventory personnel it is entered into a spreadsheet maintained by the City. Emissions information essential to the calculation of the actual air emissions, such as the emission factor values, are incorporated into the emission inventory using write protected lookup tables embedded in the Excel workbook. Values that vary significantly from historical results are further

reviewed.

The total actual air emissions are calculated using the facility throughputs, emission factors, and emission control factors. The spreadsheet makes all the necessary calculations utilizing this information to produce the actual emission values.

11.1.3 Audits

To further help ensure the quality of the air emissions data submitted to the Department, random facility audits are conducted to verify the throughput information from which the actual air emissions are calculated. To be clear, emission inventory audits are conducted across the City with no specific focus on any particular industrial area. Furthermore, these audits are conducted at facilities engaged in widely varying types of activities from agricultural business to industrial manufacturing facilities, again with no emphasis on any particular size or type.

Sources identified for an emission inventory audit are randomly selected from those facilities submitting the annual emissions report. Particular attention is given to sources that have not been previously audited. If a source is chosen for a random audit and they have already been the subject of an audit in previous years, then they will be passed over until a majority of the total sources in the City have been audited at least once. The emission inventory audits can occur for sources on a more regular basis if their emissions reports have presented problems or raised questions that suggest an inventory audit would be helpful to resolve issues.

Ten percent of all Class I major sources are chosen at random for an emissions inventory audit. On average, this typically amounts to approximately 2 major source inventory audits annually. Additionally, approximately 8 to 10 audits are conducted at random from the Class II sources.

The goal of the emission inventory audits is to verify the emissions information supplied in the emissions report to the City by reviewing facility production and purchasing records. These facility audits give particular attention to two aspects of the emissions reports; the emission points represented in the inventory and the material throughputs. A tour of the facility is taken to identify all air emission points in the plant and check to see that they have been accounted for in the submitted report. Throughput information must be verified since this is the primary parameter from which the actual emission totals are calculated. This is generally achieved by reviewing purchasing invoices, utility bills or other accounting records to verify the quantities of raw materials being used. Additionally, equipment maintenance records and log books are reviewed to also help verify the throughput totals reported. The record keeping practices themselves should be discussed and reviewed with plant representatives to ensure all throughput information is being properly recorded.

During an audit inspection all emission control equipment should be identified and operational times should be verified. Maintenance logs should be reviewed and control

equipment downtimes noted. In particular Material Safety Data Sheets should be reviewed to confirm that they are being accurately interpreted.

If the facility is a Class I major source, additional fees may result from the findings of the audit inspection. If so, a schedule should be established for payment. The permitted classification of the facility should be compared with the actual emission totals reported to ensure permitted thresholds have not been exceeded. Corrections to the inventory report resulting from audit findings may impact the permit status of a facility and should be addressed as necessary.

During an audit visit, facility information should be updated if necessary. Plant contacts and phone numbers must be current. Facility representatives should be informed about the definition of the “Responsible Official”. This individual signs the emission report forms and must meet the criteria set forth in air quality regulations.

A report is written for each audit conducted to document all findings. A copy of the report is maintained in the source’s file at the Department with an additional copy being sent to the source for their records. If additional information or updates are needed as a result of the audit visit, a schedule and timeline should be established to ensure a timely response to all audit findings.

Once the facility audits are completed for the year, a report will be run to verify the total number of audits that were conducted and to further verify that 10% of the Class I sources were audited.

11.1.4 QA/QC For NEI Data Submittal

At this time, data for the National Emission Inventory (NEI) are placed into the spreadsheet provided by the EPA/NDEQ and that file is provided to both the EPA and NDEQ. The NEI system requires data submittal using database or hypertext markup language (HTML), a skill set which the personnel in our program don’t have at this time. OAQC plans to attend training, as provided and funding is available, to utilize the National Inventory Format (NIF) system for reporting these values.

11.1.5 Quality Assurance Documentation

A summary report will be written at the conclusion of each annual emissions inventory reporting period which will document any changes or corrections made to the inventory program. In particular, any changes to the emissions inventory questionnaires or data collection procedures will be noted. This documentation will help users of the inventory to assess real changes in actual emissions by being able to subtract out procedural differences from year to year that may yield false trends.

12.0 Data Acquisition Requirements

This section addresses data, not obtained from the air emission inventory reports, that is essential to evaluating the air emissions information reported and for making survey and audit decisions.

12.1 EPA Emission Factor Values

Emission factors are reviewed at the time the permit is issued. If new information for the process is available, they are updated for the emission inventory as well as the basis for the permit.

12.2 Audit Database

Random audits of the emissions inventory reports are performed each year. A database of source audits is maintained by the OAQC to help in the audit selection process.

13.0 Data Management

13.1 Emission Inventory Data Entry Procedure

The air emissions information submitted to Omaha on the air emissions reports is entered into the City's database. All Department personnel are able to retrieve the emissions data for review and use. The emissions information is stored on various levels including the plant, point and segment levels.

14.0 Assessments and Response Actions

An assessment is an evaluation process used to measure the performance or effectiveness of the quality system and various phases of the data collection procedure.

Documentation of all quality assurance and quality control efforts implemented during the data collection, analysis, and reporting phases is important to data users. Both qualitative and quantitative assessments of the effectiveness of these control efforts will identify those areas most likely to impact the data quality and to what extent. The quality assurance and quality control activities utilized by the emissions inventory program depend on a number of factors such as the objectives for the emissions data and the level of data quality needed.

In order to ensure the adequate performance of the quality system, OAQC will perform the following assessments:

14.1 Data Quality Assessments **Assessment Activities**

14.1.1 **Data Quality Assessments**

A data quality assessment (DQA) is the analysis of environmental data to determine whether the quality of data is adequate to support the decisions that are based on the DQOs. Emissions data quality assessments are essentially performed through facility audits. Emissions data received by the OAQC can be evaluated to verify emissions calculations; however, the data received may be erroneous or misrepresent the conditions at the facility. OAQC may not be able to detect these problems and hence incorporates poor data into its databases. Facility audits (described in detail in section 11.1.3 of this document) provide a way for OAQC to gauge the general level of data quality with respect to the information submitted in the annual emissions reports. The audits may reveal that a particular industry group doesn't have enough guidance to correctly complete the forms or that certain elements of the emissions report have been interpreted in a manner different than intended. It is through these types of issues being identified in the audit process that a data quality assessment can be made by OAQC, allowing corrective measures to be taken.

Further data quality assessment is achieved through the comparison of emissions data submitted from similar industry types (or SCC). During the initial review phase, when the inventory reports are reviewed for completeness, facilities which engage in the same type of business are reviewed at the same time. This practice is very helpful in identifying deficiencies on any given specific inventory report since one would expect similar industry types to be reporting not only similar emissions data but also to have similar point and segment structures.

In general, data elements reported on the air emissions inventory forms are compared when possible with other independently determined values as a check on the quality of

the data. For example, latitude and longitude are compared with GPS coordinates in the City's GIS application. If a discrepancy is discovered, then the information is studied further to resolve the difference.

15.0 Reports to Management

This section describes the quality-related reports and communications to management necessary to inform them of the project status.

Quality assessment, including the evaluation of the technical systems, the measurement of performance, and the assessment of data is conducted to help ensure that the air emissions data allows program objectives to be met and to ensure that necessary corrective actions are taken early, when they will be most effective.

Effective communication among all personnel is an integral part of a quality system. Regular, planned quality reporting provides a means for tracking the following:

- Adherence to scheduled reporting and fee payment due dates.
- Documentation of deviations from approved QA procedures and the impact of these deviations on data quality.
- Analysis of the potential uncertainties in decisions based on the data.

15.1 Responsible Organizations and Individuals

This section outlines the responsibilities of individuals within the Air Emissions Inventory Program for preparing quality reports, evaluating their impact and implementing follow-up actions. Changes made in one area or procedure may affect another part of the project. Only by defining clear-cut lines of communication and responsibility can all the affected elements of the Emissions Inventory Program remain current with such changes. The documentation for all changes will be maintained and included in the reports to management. The following sections describe key personnel involved with QA reporting.

AIR DIVISION ADMINISTRATOR - The Air Division Administrator is responsible for operation of the air emissions inventory program. The Administrator works closely with the program staff to implement QA procedures, determine the annual air emission fee, and implement document management and quality assurance systems. As OAQC is a relatively small program, all air emission inventory functions are performed by the air division manager.

16.0 Data Review, Validation, and Verification Requirements

The air emissions data will be checked by the Emissions Inventory Program for validation and verification. This section describes how OAQC will verify and validate the air emission information associated with the air emission inventory reports.

Verification can be defined as confirmation by examination and provision of objective evidence that *specified requirements* have been fulfilled.

Validation can be defined as confirmation by examination and provision of objective evidence that the particular requirements for a specific *intended use* are fulfilled.

The major objectives for the Air Emissions Inventory Program concern evaluating emission trends and hence air quality, determining air emission fees, and to verify that permit limitations have not been breached. SOPs will describe the verification and validation activities that occur at a number of the important data collection phases. Earlier elements of this QAPP described in detail how the activities in these data collection phases will be implemented to meet the data quality objectives of the program. Review and approval of this QAPP by NDEQ will provide data of adequate quality. In order to verify and validate the phases of the data collection operation, the Department will use various qualitative assessments, such as technical systems audits, to verify that the QAPP is being followed, and will rely on the various quality controls, performed at various phases of the data collection process, to validate that the data will meet the DQOs described in Section 6.0.

16.1 Inventory Design

Section 9.0 describes the inventory design for the air emissions inventory program established by OAQC. The objective of the inventory design is to request an inventory report from all sources required to do so pursuant to permit requirements.

16.1.1 Inventory Design Verification

After the emissions inventory report due date of March 31, an accounting will be made of all reports completed and received OAQC.

16.1.2 Inventory Design Validation

The air emissions data obtained from the emissions inventory reports will be used to validate the inventory design.

16.2 Validation Checks

Internal and external audits are to be performed. These are addressed in section 14.0 of this document.

16.3 Quality Control

Section 11.0 of this QAPP specifies the QC checks that are to be performed. For each specified QC check, the procedure, acceptance criteria and corrective action are specified.

16.3.1 Verification and Validation of Quality Control Procedures

Both internal and external technical systems audits will be performed to ensure the quality control method specifications mentioned in this QAPP are being followed.

17.0 Data Review, Validation & Verification

After the air emissions data has been collected it is reviewed and accepted or rejected in an objective and consistent manner. Specific quality control procedures were outlined in section 11.0 of this document which outlined the methods for finding poor data elements. The air emissions data reported to OAQC represents actual emissions reported by a facility and hence cannot be reproduced or otherwise changed unless errors are identified in the calculations or if reporting problems are identified during a facility audit.

No changes can be made to the basic measured parameters such as the throughput information or activity data unless facility audits reveal differences that are verified by facility representatives.

All air emissions data that has been entered into OAQC's database must be compared with the original emissions information submitted by the source. These totals and data elements are checked to ensure that no errors were made during the data entry process. Again, any differences in the data values in the Department's database and those in the original emissions reports must be substantiated as noted above.

18.0 Reconciliation with Data Quality Objectives

The final air emissions inventory database that has been compiled by OAQC must support the data quality objectives outlined in section 6.0 of this quality assurance plan. The air emissions inventory reports are designed to yield all of the necessary information required to achieve the data quality objectives. Therefore, if the emissions database fails to satisfy any of the DQO's, it is a matter of modifying the air emissions report to account for any additional information needed.

Many of the data quality objectives noted in section 6.0 are subject to change since they have evolving needs and purposes. Hence, the emissions inventory reports will remain flexible and be updated as well to accommodate new requirements necessary to fulfill the DQO's.

References

1. Guidance for Data Quality Assessment. EPA QA/G-9. QA00, EPA/600/R-96/084. United States Environmental Protection Agency. July 2000.
2. Guidance for Quality Assurance Project Plans. EPA QA/G-5, EPA/600/R-98/018. United States Environmental Protection Agency. February 1998.
3. EPA Requirements for Quality Assurance Project Plans. EPA QA/R-5, EPA/240/B-01/003. United States Environmental Protection Agency. March 2001.
4. NDEQ Quality Management Plan. Nebraska Department of Environmental Quality. August 1997.
5. Compilation Of Air Pollutant Emission Factors, Volume I: Stationary Point And Area Sources. AP-42. United States Environmental Protection Agency.
6. FIRE Source Classification Codes And Emission Factor Listing For Criteria Air Pollutants. EPA-454/R-95-012. United States Environmental Protection Agency.
7. Consolidated Emissions Reporting Rule. Federal Register / Volume 67, Number 111, pp 39602 – 39616.

To: Peter, David[peter.david@epa.gov]
From: Douglas Watson
Sent: Thur 1/12/2017 7:15:37 PM
Subject: RE: Kansas 1-hr SO2 DRR-Third Round designation submittal Document Package

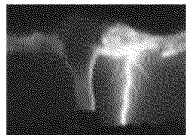
Thanks for the note David. Like I said, the hard copy is being overnighted to the Administrator.

-Doug

** Please note my new e-mail address – Douglas.Watson@ks.gov

Douglas Watson
Chief, Air Monitoring & Planning Section

Meteorologist
Kansas Department of Health and Environment
Bureau of Air
1000 SW Jackson, Suite 310
Topeka, KS 66612-1366
E-Mail: Douglas.Watson@ks.gov
(785)296-0910
(785)296-7455 fax



From: Peter, David [mailto:peter.david@epa.gov]
Sent: Thursday, January 12, 2017 11:55 AM
To: Douglas Watson <Douglas.Watson@ks.gov>
Subject: RE: Kansas 1-hr SO2 DRR-Third Round designation submittal Document Package

Doug – I'm just letting you know that I received the package. David

From: Douglas Watson [<mailto:Douglas.Watson@ks.gov>]
Sent: Thursday, January 12, 2017 11:29 AM
To: Peter, David <peter.david@epa.gov>; Hawkins, Andy <hawkins.andy@epa.gov>
Cc: Bredehoft, Deborah <bredehoft.deborah@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>; Jay, Michael <Jay.Michael@epa.gov>
Subject: Kansas 1-hr SO2 DRR-Third Round designation submittal Document Package

All-

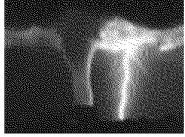
Please find attached the Kansas submission package for 1-hr SO2 DRR-Third Round Designation. A separate hard copy has been sent to the R7 Administrator. I will also attach the BPU updated modeling files to a separate e-mail. If you have any questions, please contact me. Thanks.

-Doug

** Please note my new e-mail address – Douglas.Watson@ks.gov

Douglas Watson
Chief, Air Monitoring & Planning Section

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1000 SW Jackson, Suite 310
Topeka, KS 66612-1366
E-Mail: Douglas.Watson@ks.gov
(785)296-0910
(785)296-7455 fax



To: Grooms, Leland[Grooms.Leland@epa.gov]
Cc: Peter, David[peter.david@epa.gov]; Hall, Stephen[stephen.hall@dnr.mo.gov]; Giroir, Eric[eric.giroir@dnr.mo.gov]
From: Maliro, Patricia
Sent: Wed 3/2/2016 7:26:45 PM
Subject: FW: monitoring siting
BRRF-SO2 Monitor Siting-Prelim Locations-Feb022016-2.pdf

Lee,

Eric Giroir in monitoring unit has arranged with Doe Run Buick to review potential SO2 monitoring sites near BRRF on Monday, March 7, 2016. Please let us know if your schedule will allow you join Eric on this trip; we can forward you additional contact information regarding the trip. A preliminary map from Doe Run Buick showing possible locations for monitoring is attached.

Thank you and let me know if you have any questions.

Patricia Maliro

Air Monitoring Unit Chief

Air Pollution Control Program

Missouri Department of Natural Resources

1659 East Elm St. Jefferson City, MO 65102

(573) 751-0750

patricia.maliro@dnr.mo.gov

Promoting, Protecting and Enjoying our Natural Resources. Learn more at dnr.mo.gov.

From: Crocker, Margaret [<mailto:mcrocker@doerun.com>]
Sent: Tuesday, February 02, 2016 5:04 PM
To: Wilbur, Emily
Cc: joseph@shellengr.com; Hall, Stephen; Bybee, Darcy; Abdul, Assem; Maliro, Patricia; Bodnar, Gen

Subject: RE: monitoring siting

Hi all,

I have attached a preliminary map showing the top 100 receptors (Average 4th highest modeled concentrations) in red. They are concentrated directly west of the plant entrance and east of the facility along the ambient boundary. At this point we imagine placing two monitors. One monitor directly across from the facility's entrance from Hwy KK on Doe Run Property and another monitor near the eastern ambient border, in the southern 1/3 of the red receptors, which is also Doe Run property.

If you have questions about this map or the proposed locations please let me know. I will coordinate a visit with the monitoring unit and we will look at the specific locations then.

Thanks,

Maggie Crocker

EHS Analyst

The Doe Run Company

573-626-3499

To: Douglas Watson[Douglas.Watson@ks.gov]
From: Peter, David
Sent: Thur 1/12/2017 5:55:13 PM
Subject: RE: Kansas 1-hr SO2 DRR-Third Round designation submittal Document Package

Doug – I'm just letting you know that I received the package. David

From: Douglas Watson [mailto:Douglas.Watson@ks.gov]
Sent: Thursday, January 12, 2017 11:29 AM
To: Peter, David <peter.david@epa.gov>; Hawkins, Andy <hawkins.andy@epa.gov>
Cc: Bredehoft, Deborah <bredehoft.deborah@epa.gov>; Weber, Rebecca <Weber.Rebecca@epa.gov>; Jay, Michael <Jay.Michael@epa.gov>
Subject: Kansas 1-hr SO2 DRR-Third Round designation submittal Document Package

All-

Please find attached the Kansas submission package for 1-hr SO2 DRR-Third Round Designation. A separate hard copy has been sent to the R7 Administrator. I will also attach the BPU updated modeling files to a separate e-mail. If you have any questions, please contact me. Thanks.

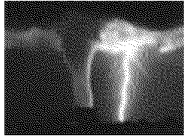
-Doug

** Please note my new e-mail address – Douglas.Watson@ks.gov

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1000 SW Jackson, Suite 310
Topeka, KS 66612-1366
E-Mail: Douglas.Watson@ks.gov
(785)296-0910
(785)296-7455 fax



To: Peter, David[peter.david@epa.gov]
From: Wharton, Tracy
Sent: Tue 7/26/2016 5:32:42 PM
Subject: RE: Phone call re: SO2 at North Omaha

David,

Thank you for this. I hope to have an answer for you shortly..

Tracy

From: Peter, David [mailto:peter.david@epa.gov]
Sent: Tuesday, July 26, 2016 12:31 PM
To: Wharton, Tracy
Subject: RE: Phone call re: SO2 at North Omaha

Tracy – Below is the excerpt from the response to comments that I referred to and the regulatory citation about using a common approach for sources in the same “area”. David

DRR RTC

8. Common area analytical approach

Comment: Commenters (0040, 0044, 0081, 0083, and 0107) stated air agencies should not be required to use the same technique to characterize all sources in an area. Commenter (0044) stated this provision would restrict the flexibility of air agencies in selecting the technique they wish to use, and possibly forcing them to use modeling in locations where monitoring would not only be feasible but also preferable.

Commenter (0044) stated the preamble provides no caveat that once a choice is made either to monitor or model that choice will apply to all sources within the affected area and fails to advance any justification for why the proposed regulatory text would impose such a limitation. Commenter (0044) does not believe such a justification exists. Commenter (0107) stated it is not clear why States must use the “same technique” in 51.1203(b).

Commenter (0081) disagreed that it would not be appropriate to choose monitoring for some sources and modeling for others in a common area. Commenter (0081) stated that, if it is deemed that sources which are in somewhat close proximity to one another do not produce a significant cumulative effect on air quality concentrations, there should be an allowance for one facility to use modeling to demonstrate their compliance with the standard and the other to use monitoring and forego designations until 3 years of monitoring data has been submitted (i.e. use a combined modeling/monitoring approach to designate the area). Commenter (0081) provided the following additional points.

One situation where this may be appropriate is in an area where the distance between facilities is such that there is no overlap in emissions contributions and/or air dispersion modeling shows there is not a significant concentration gradient from one or both of the facilities in the vicinity of the other facility. One facility may choose to use modeling for compliance with the rule and show that concentrations are below the standard, while the other may wish to use a monitor at the closest area of high concentration to forego annual reporting of emissions. This option should especially be considered if evaluation "areas" are presumed to be counties, CBSAs, or MSAs (or any other jurisdictional-based boundaries that are arbitrary in terms of source specific air quality levels).

Commenter (0083) stated there may be situations where it will be beneficial for states to work together in establishing the status of an area, but a requirement that states must come to an agreement on the approach they are to use shouldn't be codified in the rule. Commenter (0083) believed each state should be responsible for the applicable sources in their state and the rule should not require different states to come to an agreement on an approach, where there is no means for resolution if there is an impasse between two states on the best approach to use.

Commenter (0044) believed the use of the word "shall" in the last sentence of section 51.1203(b) should be deleted and substituted with the phrase "is not required." Commenter (0083) suggested that the second sentence of proposed §51.1203(b) be removed from the rule. Commenter (0040) suggested the following changes in section 51.1203(b): (b) For each area containing an applicable source, the air agency shall state by January 15, 2016, whether it will characterize air quality through ambient air quality monitoring, through air quality modeling techniques, or through a combination of both, as appropriate.

Response:

The EPA believes that if two or more sources are contributing to concentrations in a

single common area, then it would be impracticable to address one portion of the area with modeling and another portion of the area with monitoring. While the EPA can consider both modeling and monitoring information in promulgating designations, the consideration of both is more feasible if both methods characterize air quality in the entire area. The commenters do not describe how they envision that data addressing only portions of an area would be combined, and the EPA believes that its DRR more appropriately requires that the complete area be characterized by one method or another, so as to avoid the problems that would be prone to arise if two different analytical methods were used for different portions of an area.

Furthermore, in this rule, the choice of methods for characterizing air quality also determines the timetable under which air quality characterization is required. The EPA must designate areas as an entirety; the EPA does not have the option to designate the modeled portion of an area at one time and then designate the monitored portion of the area sometime later. Thus, whether the air agency selects the monitoring pathway or the modeling pathway for characterizing air quality, 40 CFR 51.1203 requires that the information provided under the selected pathway be sufficient to characterize air quality in the area, irrespective of whether other air quality characterizing information of the other type is or becomes available. That is, the air agency must provide for complete characterization of an area by the selected approach, either by monitoring that characterizes the entire area or by modeling that characterizes the entire area. The timetable under which this information would be required is clearly defined by the rule. The EPA welcomes any supplemental information that the air agency may provide, but the DRR cannot be considered satisfied unless air quality information based on a single selected pathway sufficient to characterize worst case concentrations throughout the area are obtained.

Some of the commenters appear to be objecting to the rule based on a misunderstanding of the term "area." "Area" may be considered to mean a candidate nonattainment area, in the sense of including all of the area being evaluated as to whether it is meeting the SO₂ standard and all of the area that is to be evaluated as to whether it is contributing to SO₂ concentrations that might be violating the standard. One commenter posits a situation in which sources in close proximity are deemed not to have interactive impacts, but the commenter does not explain how such a situation could arise, in particular how the absence of interaction of sources in close proximity could be known without the kind of investigations that the DRR requires. Presuming that investigation of the interaction of the sources is warranted, the area being investigated would include both sources and their areas of impact, and for reasons described above, the air agency would need to select either monitoring or modeling to address the area and assure that the selected approach is done in a manner that addresses the entire combined area. Conversely, if two sources are separated by sufficient distance that potential violations near one source could be presumed to reflect no contribution from the other source, such that violations near both facilities could be presumed without

further investigation to warrant two separate nonattainment areas, then the two sources could be considered to be part of two separate areas that could be addressed by different approaches. Where two sources may or may not warrant treatment as part of two separate areas, air agencies are urged to discuss the situation with their EPA Regional Office.

40 CFR 51.1203(b)

“...For any area with multiple applicable sources, the air agency (or air agencies if a multi-state area) shall use the same technique (monitoring, modeling, or emissions limitation) for all applicable sources in the area. If multiple air agencies have applicable sources in an area, the air agencies must consult with each other to employ a common technique for the area.”

From: Wharton, Tracy [<mailto:tracy.wharton@nebraska.gov>]
Sent: Tuesday, July 26, 2016 11:12 AM
To: Peter, David <peter.david@epa.gov>
Subject: RE: Phone call re: SO2 at North Omaha

David,

This will work for us. Please send us the dial-in number/code you would like us to use.

Tracy

From: Peter, David [<mailto:peter.david@epa.gov>]
Sent: Tuesday, July 26, 2016 10:21 AM
To: Wharton, Tracy
Subject: RE: Phone call re: SO2 at North Omaha

Friday works. The 8:00-9:30 time slot probably works the best.

From: Wharton, Tracy [<mailto:tracy.wharton@nebraska.gov>]

Sent: Tuesday, July 26, 2016 9:44 AM

To: Peter, David <peter.david@epa.gov>

Subject: Phone call re: SO2 at North Omaha

David,

Good morning, I hope your day is going well! I was emailing to set up a time for a conference call to discuss the SO2 submittal for North Omaha station. Carrie mentioned that you had left her a message regarding this and I wanted to let you know our availability.

It looks like we will have some time on Friday, between 8-9:30 AM or 1-3:30 PM, if either of those time works for you. If that won't work, we are available about any time on Monday, Aug 1st.

I look forward to hearing from you!

Respectfully,

Tracy

Tracy Wharton

NAAQS-SIP Coordinator, Grants, Planning, and Outreach Unit, Air Quality Division

Nebraska Department of Environmental Quality (NDEQ)

1200 N Street, The Atrium, Suite 400

PO Box 98922, Lincoln, NE 68509-8922

Phone: (402) 471-6410

tracy.wharton@nebraska.gov

To: Peter, David[peter.david@epa.gov]
Cc: Schneider, Shelley[shelley.schneider@nebraska.gov];
cschroeder@lincoln.ne.gov[cschroeder@lincoln.ne.gov];
lisa.alam@nebraska.gov[lisa.alam@nebraska.gov]; Wharton, Tracy[tracy.wharton@nebraska.gov]
From: Wiese, Carrie
Sent: Thur 4/21/2016 7:31:14 PM
Subject: Call Monday re: SO2 modeling calculation

Good afternoon, David:

I received your voice mail from this noon concerning the call scheduled for Monday at 9:00 with Joe Citta, regarding the conversion of a 30-day SO2 limit to a 1-hour value for modeling purposes for designation of Sheldon Station under the DRR. I've copied folks in our office who also have an interest in attending (I believe you mentioned that Lance would be reaching out to Lisa separately) as well as Chris Schroeder from Lincoln-Lancaster County Health Department, as any new permit limit for Sheldon would fall under his office's purview.

For those in our office, our schedules are presently open at that time so we will plan to participate. Please feel free to send a meeting notice/call-in information, and we'll look forward to talking with you then.

Thanks,
Carrie

Carrie Wiese

Carrie Wiese

Supervisor – Air Quality Grants, Planning and Outreach Unit

Nebraska Department of Environmental Quality

1200 N Street, Suite 400

Lincoln, NE 68508

(402)471-6624, carrie.wiese@nebraska.gov

To: Peter, David[peter.david@epa.gov]
From: Wiese, Carrie
Sent: Mon 4/4/2016 1:06:39 PM
Subject: RE: Lon D Wright Facility SO2 Emissions

.....

Hi David,

We do not yet have it in our records system, but Dave Brown is watching for it and checking in regularly with those who process the mail and records. The report was due at the end of March, so we should have it any time now and will notify you as soon as we do.

Thanks,
Carrie

From: Peter, David [mailto:peter.david@epa.gov]
Sent: Friday, April 01, 2016 9:10 AM
To: Wiese, Carrie
Subject: RE: Lon D Wright Facility SO2 Emissions

Carrie,

Has NDEQ received Lon D Wright's 2015 emission inventory yet? If so, what did the facility report for 2015 SO2 emissions? I am asking because we under a little pressure from our HQ to send out letters stating whether we agree with the states' DRR lists.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

From: Wiese, Carrie [mailto:carrie.wiese@nebraska.gov]
Sent: Thursday, March 03, 2016 3:24 PM
To: Peter, David
Cc: Schneider, Shelley ; Algae-Eakin, Amy ; Jay, Michael ; Wharton, Tracy
Subject: RE: Lon D Wright Facility SO2 Emissions

Good afternoon, Peter:

Upon further analysis, we see that the acid rain database for 2015 shows Unit 8 emitted a total of

989 tons of SO₂; assuming the other units emitted similar amounts in 2015 as they did in 2014 (a reasonable assumption, given past performance), we would expect the total emissions for 2015 to be on the order of 1,700 tons. We have not yet received the 2015 emissions inventory but expect it soon (it is due by March 31), and we feel confident that with the current controls in place, the facility will remain below the 2,000 tpy threshold.

We will plan to follow up with you once we've received the 2015 NEI data, and can schedule a call at that time. Does this work for you?

Thanks!

Carrie Wiese

Carrie Wiese

Supervisor – Air Quality Grants, Planning and Outreach Unit

Nebraska Department of Environmental Quality

1200 N Street, Suite 400

Lincoln, NE 68508

(402)471-6624, carrie.wiese@nebraska.gov

From: Peter, David [<mailto:peter.david@epa.gov>]

Sent: Tuesday, March 01, 2016 11:24 AM

To: Wiese, Carrie

Cc: Schneider, Shelley; Algae-Eakin, Amy; Jay, Michael

Subject: RE: Lon D Wright Facility SO₂ Emissions

Carrie,

A month or so ago, I compared the 2014 NEI to each state's DRR list in Region 7 and discovered that the Lon D Wright facility reported SO₂ emissions greater than 2,000 tpy in 2014 and was not included in NDEQ's DRR list. You and I had some correspondence on this facility (see emails below). Recently, HQ staff did the same comparison of the 2014 NEI and each state's DRR list and they brought up the Lon D Wright facility. I therefore took another look at this facility.

It appears that the facility consists of three coal fired units – Boilers 6, 7 and 8. The city of Fremont reported the following SO₂ emissions in the 2014 NEI – Boiler 6 (253 tons), Boiler 7 (383 tons) and Boiler 8 (1,595 tons). Further, Fremont reported a facility-wide total of 2,232 tons of SO₂. Since Boiler 8 is the only unit subject to the Acid Rain Program, the Fremont was only required to report Boiler 8 SO₂ emissions in CAMD – thus, the difference between the emissions reported in the NEI and CAMD.

DRR applicability is based on the facility-wide SO₂ emissions. 40 CFR 51.1202 states that “(t)his subpart applies to any air agency in whose jurisdiction is located one or more applicable sources of SO₂ emissions that have annual actual SO₂ emissions of 2,000 tons or more...For the purposes of this subpart, the subject air agency shall identify applicable sources of SO₂ based on the most recently available annual SO₂ emissions data for such sources.” Therefore, based on “the most recently available annual SO₂ emissions”, the 2014 NEI, it appears that NDEQ should have included the Lon D Wright facility on its DRR list.

You mentioned in your email below that you expect to receive the 2015 emission submittal by March 31, 2016. Have you received this submittal yet? If so, are the facility-wide SO₂ emissions less than 2,000 tons? If haven’t received the 2015 emission submittal, do you have any indication whether the 2015 SO₂ emissions are less than 2,000 tons?

It is my understanding that Fremont is in the process of installing or has installed a scrubber on Boiler 8, primarily for MATS compliance. This control system will have the benefit of controlling SO₂ emissions. However, it is also my understanding that the control system is either currently being installed or was installed in late 2015/early 2016, and the SO₂ emission reductions will likely not be reflected in the 2015 emission inventory.

This new control system can certainly be considered when conducting the air quality characterization required by the DRR. Sources have three options to comply with the DRR – conduct monitoring, conduct modeling or establish a federally enforceable limit of 2,000 tpy. Should the Lon D Wright facility ultimately be added to the DRR list, the permit issued to the facility may already limit the SO₂ emissions to less than 2,000 tpy, thus satisfying the requirements of the DRR. However, even if that is the case, it still appears, at this point, that the Lon D Wright facility should be added to NDEQ’s DRR list.

After you have had a chance to consider the above, I can setup a conference call to discuss it further if you would like.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

From: Wiese, Carrie [<mailto:carrie.wiese@nebraska.gov>]

Sent: Wednesday, January 27, 2016 3:18 PM

To: Peter, David

Cc: Schneider, Shelley
Subject: RE: Lon D Wright Facility SO2 Emissions

Hi David,

In reviewing this information with Shelley Schneider, she indicated that she used the CAMD data because it is based on CEM data submitted quarterly. Additionally, there has been a scrubber installed at this facility which will decrease SO2.

If you'd like, we can let you know what the 2015 emissions report indicates when it is submitted. The deadline is March 31.

Thanks,
Carrie

From: Peter, David [<mailto:peter.david@epa.gov>]
Sent: Wednesday, January 27, 2016 1:23 PM
To: Wiese, Carrie
Subject: Lon D Wright Facility SO2 Emissions

Carrie,

As we discussed on the phone today, I am trying to confirm the actual SO2 emissions from the Lon D Wright Facility in Fremont, NE. EPA's Emission Inventory System lists the CY 2014 SO2 emissions as 2,232 tons. I believe that this value comes from what the facility submitted to NDEQ as part of their annual emission inventory. I did look at the CAMD data and it appears to indicate that the facility emitted 1,595 tons for CY 2014. Further, it appears that the SO2 emissions reported to CAMD has never exceeded 2,000 tons in a CY since at least 1997.

Could you or one of your staff members please confirm the actual CY 2014 (or CY 2015) SO2 emissions from the Lon D Wright Facility? As we discussed, this is not pressing and a response in the next few weeks would be fine.

Just as an FYI, I am not suggesting that this facility should be on the DRR list.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

To: Peter, David[peter.david@epa.gov]
Cc: Schneider, Shelley[shelley.schneider@nebraska.gov]; Algae-Eakin, Amy[Algae-Eakin.Amy@epa.gov]; Jay, Michael[Jay.Michael@epa.gov]; Wharton, Tracy[tracy.wharton@nebraska.gov]
From: Wiese, Carrie
Sent: Thur 3/3/2016 9:23:43 PM
Subject: RE: Lon D Wright Facility SO2 Emissions

.....

Good afternoon, Peter:

Upon further analysis, we see that the acid rain database for 2015 shows Unit 8 emitted a total of 989 tons of SO₂; assuming the other units emitted similar amounts in 2015 as they did in 2014 (a reasonable assumption, given past performance), we would expect the total emissions for 2015 to be on the order of 1,700 tons. We have not yet received the 2015 emissions inventory but expect it soon (it is due by March 31), and we feel confident that with the current controls in place, the facility will remain below the 2,000 tpy threshold.

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Thanks!

Carrie Wiese

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Supervisor – Air Quality Grants, Planning and Outreach Unit

Nebraska Department of Environmental Quality

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David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

From: Wiese, Carrie [mailto:carrie.wiese@nebraska.gov]
Sent: Wednesday, January 27, 2016 3:18 PM
To: Peter, David
Cc: Schneider, Shelley
Subject: RE: Lon D Wright Facility SO2 Emissions

Hi David,

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To: Wiese, Carrie
Subject: Lon D Wright Facility SO2 Emissions

Carrie,

As we discussed on the phone today, I am trying to confirm the actual SO2 emissions from the Lon D Wright Facility in Fremont, NE. EPA's Emission Inventory System lists the CY 2014 SO2 emissions as 2,232 tons. I believe that this value comes from what the facility submitted to NDEQ as part of their annual emission inventory. I did look at the CAMD data and it appears to indicate that the facility emitted 1,595 tons for CY 2014. Further, it appears that the SO2 emissions reported to CAMD has never exceeded 2,000 tons in a CY since at least 1997.

Could you or one of your staff members please confirm the actual CY 2014 (or CY 2015) SO2 emissions from the Lon D Wright Facility? As we discussed, this is not pressing and a response in the next few weeks would be fine.

Just as an FYI, I am not suggesting that this facility should be on the DRR list.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

To: Peter, David[peter.david@epa.gov]
From: Wiese, Carrie
Sent: Thur 9/17/2015 12:56:45 PM
Subject: RE: Draft designation letter

Thanks, David. Our modeler has already made 2 copies of the discs, so it's no problem to copy either you or Rebecca (let me know your preference). I have the street address in Lenexa, is there any other mailing information we should include?

We'll plan to include the Nebraska City information as well.

Thanks,
Carrie

From: Peter, David [mailto:peter.david@epa.gov]
Sent: Thursday, September 17, 2015 7:54 AM
To: Wiese, Carrie
Subject: RE: Draft designation letter

Carrie – I was told to have you send it to Mark Hague, the Regional Administrator. You would not necessarily need to copy me or Rebecca (Becky) Weber, the AWMD Division Director. If it is not too much of a problem, I would say go ahead and include the Nebraska City info as well so that it is a complete submittal. David

From: Wiese, Carrie [mailto:carrie.wiese@nebraska.gov]
Sent: Wednesday, September 16, 2015 3:22 PM
To: Peter, David
Subject: RE: Draft designation letter

Thanks David. Let me know what you find out, and we'll send 2 copies of the whole package: one to you and one to the appropriate designated person (e.g., regional administrator). The Neb City station data and our memo on them have already been transmitted and verified delivered to

Patricia Scott and Andy Hawkins; this was done because we were anticipating a possible delay on the submittal from NPPD and wanted to ensure that at least the Neb City stuff got in. Should we include new copies of the disc and our file memo in this week's transmittal?

Thanks,
Carrie

From: Peter, David [<mailto:peter.david@epa.gov>]
Sent: Wednesday, September 16, 2015 3:17 PM
To: Wiese, Carrie
Subject: RE: Draft designation letter

Carrie,

I think technically the entire package should be sent to the Regional Administrator. I'll confirm that tomorrow morning. You could copy me if you so desire.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

From: Wiese, Carrie [<mailto:carrie.wiese@nebraska.gov>]
Sent: Wednesday, September 16, 2015 1:49 PM
To: Peter, David
Subject: RE: Draft designation letter

Additionally, please provide direction as to who at EPA should be copied on the letter and receive the modeling discs. Lisa Alam had it down to send copies to Patricia and to Andy Hawkins, which is who she sent the Nebraska City station data to (and it has been confirmed received).

Thanks,

Carrie

From: Wiese, Carrie
Sent: Wednesday, September 16, 2015 11:14 AM
To: peter.david@epa.gov
Subject: Draft designation letter

Good morning, David:

As we discussed on this morning's call, I am sending a draft letter outlining our designation recommendations on the 1-hour SO₂ facilities, to ensure that the language we're using would be sufficient for EPA's needs. **Please note this is an internal draft for comment only**, and does not reflect NDEQ's final recommendations.

Please advise as to whether you or Patricia Scott (or someone else) would be the appropriate recipient of this letter.

Also, as an update, I have discovered that our deputy director is out of the office today but expected back tomorrow, so we will plan to transmit this letter and its accompanying documentation tomorrow or Friday.

Thanks,
Carrie

Carrie Wiese

Carrie Wiese

Supervisor – Air Quality Grants, Planning and Outreach Unit

Nebraska Department of Environmental Quality

1200 N Street, Suite 400

Lincoln, NE 68508

(402)471-6624, carrie.wiese@nebraska.gov

To: Wharton, Tracy[tracy.wharton@nebraska.gov]
From: Peter, David
Sent: Tue 7/26/2016 5:31:29 PM
Subject: RE: Phone call re: SO2 at North Omaha

Tracy – Below is the excerpt from the response to comments that I referred to and the regulatory citation about using a common approach for sources in the same “area”. David

DRR RTC

8. Common area analytical approach

Comment: Commenters (0040, 0044, 0081, 0083, and 0107) stated air agencies should not be required to use the same technique to characterize all sources in an area. Commenter (0044) stated this provision would restrict the flexibility of air agencies in selecting the technique they wish to use, and possibly forcing them to use modeling in locations where monitoring would not only be feasible but also preferable.

Commenter (0044) stated the preamble provides no caveat that once a choice is made either to monitor or model that choice will apply to all sources within the affected area and fails to advance any justification for why the proposed regulatory text would impose such a limitation. Commenter (0044) does not believe such a justification exists. Commenter (0107) stated it is not clear why States must use the “same technique” in 51.1203(b).

Commenter (0081) disagreed that it would not be appropriate to choose monitoring for some sources and modeling for others in a common area. Commenter (0081) stated that, if it is deemed that sources which are in somewhat close proximity to one another do not produce a significant cumulative effect on air quality concentrations, there should be an allowance for one facility to use modeling to demonstrate their compliance with the standard and the other to use monitoring and forego designations until 3 years of monitoring data has been submitted (i.e. use a combined modeling/monitoring approach to designate the area). Commenter (0081) provided the following additional points.

One situation where this may be appropriate is in an area where the distance between facilities is such that there is no overlap in emissions contributions and/or air dispersion modeling shows there is not a significant concentration gradient from one or both of the facilities in the vicinity of the other facility. One facility may choose to use modeling for compliance with the rule and show that concentrations are below the standard, while the other may wish to use a monitor at the closest area of high concentration to forego annual reporting of emissions. This option should especially be considered if evaluation “areas” are presumed to be counties, CBSAs, or MSAs (or any other jurisdictional-based boundaries that are arbitrary in terms of source specific air quality levels).

Commenter (0083) stated there may be situations where it will be beneficial for states to work together in establishing the status of an area, but a requirement that states must come to an agreement on the approach they are to use shouldn't be codified in the rule. Commenter (0083) believed each state should be responsible for the applicable sources in their state and the rule should not require different states to come to an agreement on an approach, where there is no means for resolution if there is an impasse between two states on the best approach to use.

Commenter (0044) believed the use of the word "shall" in the last sentence of section 51.1203(b) should be deleted and substituted with the phrase "is not required." Commenter (0083) suggested that the second sentence of proposed §51.1203(b) be removed from the rule. Commenter (0040) suggested the following changes in section 51.1203(b): (b) For each area containing an applicable source, the air agency shall state by January 15, 2016, whether it will characterize air quality through ambient air quality monitoring, through air quality modeling techniques, or through a combination of both, as appropriate.

Response:

The EPA believes that if two or more sources are contributing to concentrations in a single common area, then it would be impracticable to address one portion of the area with modeling and another portion of the area with monitoring. While the EPA can consider both modeling and monitoring information in promulgating designations, the consideration of both is more feasible if both methods characterize air quality in the entire area. The commenters do not describe how they envision that data addressing only portions of an area would be combined, and the EPA believes that its DRR more appropriately requires that the complete area be characterized by one method or another, so as to avoid the problems that would be prone to arise if two different analytical methods were used for different portions of an area.

Furthermore, in this rule, the choice of methods for characterizing air quality also determines the timetable under which air quality characterization is required. The EPA must designate areas as an entirety; the EPA does not have the option to designate the modeled portion of an area at one time and then designate the monitored portion of the area sometime later. Thus, whether the air agency selects the monitoring pathway or the modeling pathway for characterizing air quality, 40 CFR 51.1203 requires that the information provided under the selected pathway be sufficient to characterize air quality

in the area, irrespective of whether other air quality characterizing information of the other type is or becomes available. That is, the air agency must provide for complete characterization of an area by the selected approach, either by monitoring that characterizes the entire area or by modeling that characterizes the entire area. The timetable under which this information would be required is clearly defined by the rule. The EPA welcomes any supplemental information that the air agency may provide, but the DRR cannot be considered satisfied unless air quality information based on a single selected pathway sufficient to characterize worst case concentrations throughout the area are obtained.

Some of the commenters appear to be objecting to the rule based on a misunderstanding of the term “area.” “Area” may be considered to mean a candidate nonattainment area, in the sense of including all of the area being evaluated as to whether it is meeting the SO₂ standard and all of the area that is to be evaluated as to whether it is contributing to SO₂ concentrations that might be violating the standard. One commenter posits a situation in which sources in close proximity are deemed not to have interactive impacts, but the commenter does not explain how such a situation could arise, in particular how the absence of interaction of sources in close proximity could be known without the kind of investigations that the DRR requires. Presuming that investigation of the interaction of the sources is warranted, the area being investigated would include both sources and their areas of impact, and for reasons described above, the air agency would need to select either monitoring or modeling to address the area and assure that the selected approach is done in a manner that addresses the entire combined area. Conversely, if two sources are separated by sufficient distance that potential violations near one source could be presumed to reflect no contribution from the other source, such that violations near both facilities could be presumed without further investigation to warrant two separate nonattainment areas, then the two sources could be considered to be part of two separate areas that could be addressed by different approaches. Where two sources may or may not warrant treatment as part of two separate areas, air agencies are urged to discuss the situation with their EPA Regional Office.

40 CFR 51.1203(b)

“...For any area with multiple applicable sources, the air agency (or air agencies if a multi-state area) shall use the same technique (monitoring, modeling, or emissions limitation) for all applicable sources in the area. If multiple air agencies have applicable sources in an area, the air agencies must consult with each other to employ a common technique for the area.”

From: Wharton, Tracy [mailto:tracy.wharton@nebraska.gov]
Sent: Tuesday, July 26, 2016 11:12 AM
To: Peter, David <peter.david@epa.gov>
Subject: RE: Phone call re: SO2 at North Omaha

David,

This will work for us. Please send us the dial-in number/code you would like us to use.

Tracy

From: Peter, David [mailto:peter.david@epa.gov]
Sent: Tuesday, July 26, 2016 10:21 AM
To: Wharton, Tracy
Subject: RE: Phone call re: SO2 at North Omaha

Friday works. The 8:00-9:30 time slot probably works the best.

From: Wharton, Tracy [mailto:tracy.wharton@nebraska.gov]
Sent: Tuesday, July 26, 2016 9:44 AM
To: Peter, David <peter.david@epa.gov>
Subject: Phone call re: SO2 at North Omaha

David,

Good morning, I hope your day is going well! I was emailing to set up a time for a conference call to discuss the SO2 submittal for North Omaha station. Carrie mentioned that you had left her a message regarding this and I wanted to let you know our availability.

It looks like we will have some time on Friday, between 8-9:30 AM or 1-3:30 PM, if either of those time works for you. If that won't work, we are available about any time on Monday, Aug 1st.

I look forward to hearing from you!

Respectfully,

Tracy

Tracy Wharton

NAAQS-SIP Coordinator, Grants, Planning, and Outreach Unit, Air Quality Division

Nebraska Department of Environmental Quality (NDEQ)

1200 N Street, The Atrium, Suite 400

PO Box 98922, Lincoln, NE 68509-8922

Phone: (402) 471-6410

tracy.wharton@nebraska.gov

To: Wiese, Carrie[carrie.wiese@nebraska.gov]
From: Peter, David
Sent: Fri 4/1/2016 2:10:04 PM
Subject: RE: Lon D Wright Facility SO2 Emissions

Carrie,

Has NDEQ received Lon D Wright's 2015 emission inventory yet? If so, what did the facility report for 2015 SO2 emissions? I am asking because we under a little pressure from our HQ to send out letters stating whether we agree with the states' DRR lists.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

From: Wiese, Carrie [mailto:carrie.wiese@nebraska.gov]
Sent: Thursday, March 03, 2016 3:24 PM
To: Peter, David <peter.david@epa.gov>
Cc: Schneider, Shelley <shelley.schneider@nebraska.gov>; Algoe-Eakin, Amy <Algoe-Eakin.Amy@epa.gov>; Jay, Michael <Jay.Michael@epa.gov>; Wharton, Tracy <tracy.wharton@nebraska.gov>
Subject: RE: Lon D Wright Facility SO2 Emissions

Good afternoon, Peter:

Upon further analysis, we see that the acid rain database for 2015 shows Unit 8 emitted a total of 989 tons of SO2; assuming the other units emitted similar amounts in 2015 as they did in 2014 (a reasonable assumption, given past performance), we would expect the total emissions for 2015 to

be on the order of 1,700 tons. We have not yet received the 2015 emissions inventory but expect it soon (it is due by March 31), and we feel confident that with the current controls in place, the facility will remain below the 2,000 tpy threshold.

We will plan to follow up with you once we've received the 2015 NEI data, and can schedule a call at that time. Does this work for you?

Thanks!

Carrie Wiese

Carrie Wiese

Supervisor – Air Quality Grants, Planning and Outreach Unit

Nebraska Department of Environmental Quality

1200 N Street, Suite 400

Lincoln, NE 68508

(402)471-6624, carrie.wiese@nebraska.gov

From: Peter, David [<mailto:peter.david@epa.gov>]

Sent: Tuesday, March 01, 2016 11:24 AM

To: Wiese, Carrie

Cc: Schneider, Shelley; Algae-Eakin, Amy; Jay, Michael

Subject: RE: Lon D Wright Facility SO2 Emissions

Carrie,

A month or so ago, I compared the 2014 NEI to each state's DRR list in Region 7 and

discovered that the Lon D Wright facility reported SO₂ emissions greater than 2,000 tpy in 2014 and was not included in NDEQ's DRR list. You and I had some correspondence on this facility (see emails below). Recently, HQ staff did the same comparison of the 2014 NEI and each state's DRR list and they brought up the Lon D Wright facility. I therefore took another look at this facility.

It appears that the facility consists of three coal fired units – Boilers 6, 7 and 8. The city of Fremont reported the following SO₂ emissions in the 2014 NEI – Boiler 6 (253 tons), Boiler 7 (383 tons) and Boiler 8 (1,595 tons). Further, Fremont reported a facility-wide total of 2,232 tons of SO₂. Since Boiler 8 is the only unit subject to the Acid Rain Program, the Fremont was only required to report Boiler 8 SO₂ emissions in CAMD – thus, the difference between the emissions reported in the NEI and CAMD.

DRR applicability is based on the facility-wide SO₂ emissions. 40 CFR 51.1202 states that “(t)his subpart applies to any air agency in whose jurisdiction is located one or more applicable sources of SO₂ emissions that have annual actual SO₂ emissions of 2,000 tons or more...For the purposes of this subpart, the subject air agency shall identify applicable sources of SO₂ based on the most recently available annual SO₂ emissions data for such sources.” Therefore, based on “the most recently available annual SO₂ emissions”, the 2014 NEI, it appears that NDEQ should have included the Lon D Wright facility on its DRR list.

You mentioned in your email below that you expect to receive the 2015 emission submittal by March 31, 2016. Have you received this submittal yet? If so, are the facility-wide SO₂ emissions less than 2,000 tons? If haven't received the 2015 emission submittal, do you have any indication whether the 2015 SO₂ emissions are less than 2,000 tons?

It is my understanding that Fremont is in the process of installing or has installed a scrubber on Boiler 8, primarily for MATS compliance. This control system will have the benefit of controlling SO₂ emissions. However, it is also my understanding that the control system is either currently being installed or was installed in late 2015/early 2016, and the SO₂ emission reductions will likely not be reflected in the 2015 emission inventory.

This new control system can certainly be considered when conducting the air quality characterization required by the DRR. Sources have three options to comply with the DRR – conduct monitoring, conduct modeling or establish a federally enforceable limit of 2,000 tpy. Should the Lon D Wright facility ultimately be added to the DRR list, the permit issued to the

facility may already limit the SO₂ emissions to less than 2,000 tpy, thus satisfying the requirements of the DRR. However, even if that is the case, it still appears, at this point, that the Lon D Wright facility should be added to NDEQ's DRR list.

After you have had a chance to consider the above, I can setup a conference call to discuss it further if you would like.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

From: Wiese, Carrie [<mailto:carrie.wiese@nebraska.gov>]

Sent: Wednesday, January 27, 2016 3:18 PM

To: Peter, David

Cc: Schneider, Shelley

Subject: RE: Lon D Wright Facility SO₂ Emissions

Hi David,

In reviewing this information with Shelley Schneider, she indicated that she used the CAMD data because it is based on CEM data submitted quarterly. Additionally, there has been a scrubber installed at this facility which will decrease SO₂.

If you'd like, we can let you know what the 2015 emissions report indicates when it is submitted. The deadline is March 31.

Thanks,
Carrie

From: Peter, David [<mailto:peter.david@epa.gov>]
Sent: Wednesday, January 27, 2016 1:23 PM
To: Wiese, Carrie
Subject: Lon D Wright Facility SO2 Emissions

Carrie,

As we discussed on the phone today, I am trying to confirm the actual SO2 emissions from the Lon D Wright Facility in Fremont, NE. EPA's Emission Inventory System lists the CY 2014 SO2 emissions as 2,232 tons. I believe that this value comes from what the facility submitted to NDEQ as part of their annual emission inventory. I did look at the CAMD data and it appears to indicate that the facility emitted 1,595 tons for CY 2014. Further, it appears that the SO2 emissions reported to CAMD has never exceeded 2,000 tons in a CY since at least 1997.

Could you or one of your staff members please confirm the actual CY 2014 (or CY 2015) SO2 emissions from the Lon D Wright Facility? As we discussed, this is not pressing and a response in the next few weeks would be fine.

Just as an FYI, I am not suggesting that this facility should be on the DRR list.

David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

To: Wiese, Carrie[carrie.wiese@nebraska.gov]
Cc: Schneider, Shelley[shelley.schneider@nebraska.gov]; Algae-Eakin, Amy[Algae-Eakin.Amy@epa.gov]; Michael Jay[Jay.Michael@epa.gov]
From: Peter, David
Sent: Tue 3/1/2016 5:23:33 PM
Subject: RE: Lon D Wright Facility SO2 Emissions

Carrie,

A month or so ago, I compared the 2014 NEI to each state's DRR list in Region 7 and discovered that the Lon D Wright facility reported SO₂ emissions greater than 2,000 tpy in 2014 and was not included in NDEQ's DRR list. You and I had some correspondence on this facility (see emails below). Recently, HQ staff did the same comparison of the 2014 NEI and each state's DRR list and they brought up the Lon D Wright facility. I therefore took another look at this facility.

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David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

From: Wiese, Carrie [mailto:carrie.wiese@nebraska.gov]
Sent: Wednesday, January 27, 2016 3:18 PM
To: Peter, David <peter.david@epa.gov>
Cc: Schneider, Shelley <shelley.schneider@nebraska.gov>
Subject: RE: Lon D Wright Facility SO₂ Emissions

Hi David,

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Thanks,
Carrie

From: Peter, David [<mailto:peter.david@epa.gov>]
Sent: Wednesday, January 27, 2016 1:23 PM
To: Wiese, Carrie
Subject: Lon D Wright Facility SO2 Emissions

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David Peter

Environmental Engineer

U.S. EPA Region 7, Air Permitting Branch

11201 Renner Boulevard

Lenexa, KS 66219

913-551-7397

To: Clark, David[CLARKD@adeq.state.ar.us]
Cc: McCorkle, Mark[MAC@adeq.state.ar.us]; Mohr, Ashley[Mohr.Ashley@epa.gov]; Snyder, Erik[snyder.erik@epa.gov]
From: Donaldson, Guy
Sent: Tue 5/24/2016 10:05:27 PM
Subject: RE: EPA R6 & Model Clearinghouse Submittal - Arkansas SO2 NAAQS Independence County Designation

David, I have checked in with our folks. Your request is being reviewed by Regional Staff. We expect that we will complete the Regional Review in the next 6-10 days and send to HQs. It is difficult to predict how long HQs review will take because there seems to be a large number of request going through the system. We will contact you when we have a better idea after we send it up.

From: Clark, David [mailto:CLARKD@adeq.state.ar.us]
Sent: Tuesday, May 24, 2016 11:59 AM
To: Donaldson, Guy
Cc: McCorkle, Mark; Mohr, Ashley; Snyder, Erik
Subject: RE: EPA R6 & Model Clearinghouse Submittal - Arkansas SO2 NAAQS Independence County Designation

Thank you Guy.

David W. Clark, M.S.

Epidemiologist

Air Division – Planning & Air Quality Analysis Branch
Arkansas Department of Environmental Quality

5301 Northshore Drive

North Little Rock, AR. 72118

U.S.A.

Voice: 501 682-0070

Fax: 501 682-0753

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From: Donaldson, Guy [<mailto:Donaldson.Guy@epa.gov>]
Sent: Tuesday, May 24, 2016 11:16 AM
To: Clark, David
Cc: McCorkle, Mark; Mohr, Ashley; Snyder, Erik
Subject: RE: EPA R6 & Model Clearinghouse Submittal - Arkansas SO2 NAAQS Independence County Designation

I am checking on the status.

From: Clark, David [<mailto:CLARKD@adeq.state.ar.us>]
Sent: Tuesday, May 24, 2016 8:40 AM
To: Donaldson, Guy
Cc: McCorkle, Mark
Subject: RE: EPA R6 & Model Clearinghouse Submittal - Arkansas SO2 NAAQS Independence County Designation

Good morning Guy,

I'm contacting to inquire about the status of the AERMOD protocol/Clearinghouse request we submitted as part of our SO2 designations work for Independence County. Do you know or could you please see where this stands?

Thank you in advance for any information,

David

David W. Clark, M.S.

Epidemiologist

Air Division – Planning & Air Quality Analysis Branch
Arkansas Department of Environmental Quality

5301 Northshore Drive

North Little Rock, AR. 72118

U.S.A.

Voice: 501 682-0070

Fax: 501 682-0753

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From: Clark, David

Sent: Friday, April 29, 2016 8:55 AM

To: 'Donaldson, Guy'; Snyder, Erik

Cc: McCorkle, Mark; Spencer, Stuart

Subject: RE: EPA R6 & Model Clearinghouse Submittal - Arkansas SO2 NAAQS Independence County Designation

Hello Guy & Erik,

Attached find a SO2 NAAQS designation AERMOD protocol/Clearinghouse request for Independence County, Arkansas that ADEQ is submitting in response to Ron Curry's February 11, 2016 letter to Arkansas' Governor Hutchinson (also attached) regarding the insufficient information for an Unclassifiable/Attainment SO2 NAAQS designation for Independence County. We have also sent this protocol/Clearinghouse request to both of you as a hardcopy document via postal mail.

David

David W. Clark, M.S.

Epidemiologist

Air Division – Planning & Air Quality Analysis Branch
Arkansas Department of Environmental Quality

5301 Northshore Drive

North Little Rock, AR. 72118

U.S.A.

Voice: 501 682-0070

Fax: 501 682-0753

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From: Donaldson, Guy [<mailto:Donaldson.Guy@epa.gov>]

Sent: Thursday, April 21, 2016 1:06 PM

To: Clark, David; Snyder, Erik

Cc: McCorkle, Mark

Subject: RE: EPA R6 & Model Clearinghouse Submittal - Arkansas SO2 NAAQS Independence County Designation

Thx for the heads up.

From: Clark, David [<mailto:CLARKD@adeq.state.ar.us>]

Sent: Thursday, April 21, 2016 9:26 AM

To: Donaldson, Guy; Snyder, Erik

Cc: McCorkle, Mark

Subject: EPA R6 & Model Clearinghouse Submittal - Arkansas SO2 NAAQS Independence County Designation

Good morning Guy & Erik,

I'm sending this correspondence as follow-up to Ron Curry's February 11, 2016 letter to Arkansas' Governor Hutchinson regarding the insufficient information for an Unclassifiable/Attainment SO2 NAAQS designation for Independence County, Arkansas and the stated opportunity for ADEQ to submit additional information. As you will recall, this letter prompted a February 29, 2016 phone conversation that included EPA R6, the Model Clearinghouse, ADEQ, FutureFuel Chemical Company (FutureFuel) and Entergy Arkansas Independence Steam Electrical Station (Entergy) where a combined FutureFuel/Entergy AERMOD dispersion analysis and a potential Model Clearinghouse submittal was discussed. From FutureFuel, ADEQ has received, reviewed and intends to forward to EPA R6 for consideration a modeling protocol and Clearinghouse request to employ ADJ_U* in a combined FutureFuel/Entergy AERMOD dispersion analysis.

This protocol/request is awaiting the signature of ADEQ's Office of Air Quality Associate Director, Stuart Spencer, who is out of the office this week at a conference and will return Monday April 25, 2016. With Stuart's return next week we anticipate forwarding this protocol/request to both of you for consideration and desired concurrence submittal to the Model Clearinghouse. Please accept this message as an update to keep you abreast of our progress with this endeavor and I will follow-up with both of you next week.

Thank you in advance for your assistance,

David

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